



**City Council
Special Meeting
Monday, November 14, 2022
5:00 PM
Council Chamber & Virtual**

Pursuant to [AB 361](#) Palo Alto City Council meetings will be held as “hybrid” meetings with the option to attend by teleconference/video conference or in person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda. Masks are strongly encouraged if attending in person.

HOW TO PARTICIPATE

VIRTUAL PARTICIPATION

[CLICK HERE TO JOIN](https://cityofpaloalto.zoom.us/j/362027238) (<https://cityofpaloalto.zoom.us/j/362027238>)
Meeting ID: 362 027 238 Phone:1(669)900-6833

The meeting will be broadcast on Cable TV Channel 26, live on YouTube at <https://www.youtube.com/c/cityofpaloalto>, and streamed to Midpen Media Center at <https://midpenmedia.org>.

TIME ESTIMATES

Time estimates are provided as part of the Council's effort to manage its time at Council meetings. **Listed times are estimates only and are subject to change at any time, including while the meeting is in progress.** The Council reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public.

REVISED PUBLIC COMMENTS

Public Comments will be accepted both in person and via Zoom for up to three minutes or an amount of time determined by the Chair. All requests to speak will be taken until 5 minutes after the staff's presentation. Written public comments can be submitted in advance to city.council@cityofpaloalto.org and will be provided to the Council and available for inspection on the City's website. Please clearly indicate which agenda item you are referencing in your email subject line.

PowerPoints, videos, or other media to be presented during public comment are accepted only by email to city.clerk@cityofpaloalto.org at least 24 hours prior to the meeting. Once received, the City Clerk will have them shared at public comment for the specified item. To uphold strong cybersecurity management practices, USB's or other physical electronic storage devices are not accepted.

CALL TO ORDER CLOSED

SESSION (5:00 - 6:30 PM)

Public Comments: Members of the public may speak to the Closed Session item(s); three minutes per speaker.

1. CONFERENCE WITH CITY ATTORNEY Subject: Written Liability Claim Against the City of Palo Alto By Steven and Catherine Popell (Claim No. C23-0007) Authority: Government Code Section 54956.9(e)(3)
2. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Sandra Blanch, Nicholas Raisch, Molly Stump, and Terence Howzell)
Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA) Palo Alto Peace Officer's Association (PAPOA), Palo Alto Police Management Association (PMA), International Association of Fire Fighters (IAFF) local 1319, Palo Alto Fire Chiefs Association (FCA),; Authority: Government Code Section 54957.6 (a)

STUDY SESSION (6:30 - 7:30 PM)

Presentation

3. Bi-Annual Discussion with the Independent Police Auditor

Public Letters

AGENDA CHANGES, ADDITIONS AND DELETIONS

PUBLIC COMMENT (7:30 - 7:50 PM)

Members of the public may speak to any item NOT on the agenda. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.

CONSENT CALENDAR (7:50 - 7:55 PM)

Items will be voted on in one motion unless removed from the calendar by three Council Members.

4. Approval of Contract Amendment Number 3 to Contract Number C16166822 with ARC Document Solutions for Copiers/Printers to Extend the Term of the Contract for Three Additional Years and to Decrease the Annual Amount by \$102,068 to \$306,000 Per Year and a Total Contract Not to Exceed amount of \$2,835,340
5. Approval of a Construction Contract with Anderson Pacific Engineering Construction in the Amount of \$6,070,000; Authorization for the City Manager or Their Designee to Negotiate and Execute Change Orders

Q&A

up to a Not-to-Exceed Amount of \$607,000; Approval of Amendment #1 to Contract Number C21176592C with Carollo Engineers to Add Services, to Increase Compensation by \$604,246 for a New Maximum Compensation Not-to-Exceed \$604,247 for the Wastewater Treatment Fund for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project funded by the Plant Repair, Retrofit, and Equipment Replacement Project (WQ-19002) at the Regional Water Quality Control Plant

6. SECOND READING: Adoption of Nine Ordinances That Repeal and Adopt Various Sections of the Palo Alto Municipal Code (PAMC) Related to the 2022 CA Building Codes (CA Code of Regulations Title 24) Update and Proposed Local Amendments; including: (1) Chapter 15.04 Incorporating the 2022 CA Fire Code With Local Amendments; (2) Chapter 16.04 Incorporating the 2022 CA Building Code With Local Amendments; (3) Chapter 16.05 Incorporating the 2022 CA Mechanical Code With Local Amendments; (4) Chapter 16.06 Incorporating the 2022 CA Residential Code With Local Amendments and Amending Chapter 16.52 to Align Federal, State, and Local Flood Hazard Regulations; (5) Chapter 16.08 Incorporating the 2022 CA Plumbing Code With Local Amendments; (6) Chapter 16.16 Incorporating the 2022 CA Electrical Code With Local Amendments; Chapter 16.18 Incorporating the 2021 International Swimming Pool and Spa Code With Local Amendments; (8) Chapter 16.14 Incorporating the 2022 CA Green Building Standards Code with Local Amendments; (9) Chapter 16.17 Incorporating the 2022 CA Energy Code Without Local Amendments. Environmental Assessment: Project is Exempt Under CA Environmental Quality Act CEQA Guidelines Sections 15061(b)(3) and 15308 (FIRST READING: October 17, 2022 PASSED: 7-0).
7. Adoption of a Resolution for the Santa Clara County Historical Heritage Grant Program Authorizing the Application and Receipt of Grant Funds by the City of Palo Alto for the Roth Building (300 Homer Ave) Windows Rehabilitation & Restoration

CITY MANAGER COMMENTS (7:55 - 8:15 PM)

Presentation

ACTION ITEMS

Include: Reports of Committees/Commissions, Ordinances and Resolutions, Public Hearings, Reports of Officials, Unfinished Business and Council Matters.

8. PUBLIC HEARING: Staff Recommend the City Council Review the North Ventura Coordinated Area Plan (NVCAP) Refined Preferred Alternative, Take Public Comment, and Endorse the Refined Preferred Alternative Plan. (Continued from October 24, 2022) (8:15 PM - 9:30 PM)

Presentation

9. City Council discussion and direction regarding wage requirements for the contract for next Janitorial services (9:30 PM - 10:30 PM)

Presentation A. Review and Provide Direction on Wage and Benefits Requirements for Inclusion in a New Janitorial Services Request for Proposal (RFP)

B. Responsible Contracting Standards Colleague's Memo (Stone & Burt)

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

Members of the public may not speak to the item(s)

ADJOURNMENT

INFORMATION REPORTS

Information reports are provided for informational purposes only to the Council and the public but are not listed for action during this meeting's agenda.

10. Sales Tax Digest Summary Calendar 2022 Q2 (April 2022-June 2022)
11. Community Development Block Grant (CDBG) FY2022 Year-end Report Consolidated Annual Performance and Evaluation Report (CAPER)

OTHER INFORMATION

Standing Committee Meetings

Finance Committee Meeting November 15, 2022

Rail Committee Meeting November 18, 2022

Public Comment Letters

Schedule of Meetings

PUBLIC COMMENT INSTRUCTIONS

Members of the Public may provide public comments to hybrid meetings via email, in person, teleconference, or by phone.

1. **Written public comments** may be submitted by email to city.council@cityofpaloalto.org.
2. **In person public comments** please complete a speaker request card located on the table at the entrance to the Council Chambers, and deliver it to the City Clerk prior to discussion of the item.
3. **Spoken public comments using a computer or smart phone** will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
 - You may download the Zoom client or connect to the meeting in- browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Or download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below
 - You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 - When you wish to speak on an Agenda Item, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
 - When called, please limit your remarks to the time limit allotted.
 - A timer will be shown on the computer to help keep track of your comments.
4. **Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

[Click to Join](#) **Zoom Meeting ID: 992-2730-7235 Phone: 1(669)900-6833**

AMERICANS WITH DISABILITY ACT (ADA)

Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2550 (Voice) 48 hours or more in advance.



City of Palo Alto

City Council Staff Report

(ID # 14931)

Meeting Date: 11/14/2022

Report Type: Study Session

Title: Bi-Annual Discussion with the Independent Police Auditor

From: City Manager

Lead Department: City Manager

Recommendation

This Study Session is a bi-annual opportunity for Council discussion with the Independent Police Auditor. There is no recommended action.

Discussion

Since 2006, Palo Alto has utilized an independent police auditor (IPA) to conduct secondary review of defined investigations of uniformed Police Department personnel and provide related services. Since the inception of the independent police auditing program, the City has contracted with the Office of Independent Review (OIR Group), to provide these services.

In 2021, the City Council amended the IPA contract scope to include meeting with the City Council in open session twice a year. The most recent discussions with the IPA were a Study Session on September 13, 2021¹ and both a study session and possible approval of additional services on March 14, 2022.² At the March 2022 meeting, the Council unanimously approved 1) ask OIR to perform a one-time performance review on Police Department recruitment and hiring and 2) require the Police Department to provide a written response to future IPA recommendations. As a result of the second part of that motion, staff has included written responses to the IPA recommendations as an attachment to the most recent IPA report and also shared an informational memo on June 20, 2022³ with responses to the IPA's February report.

The one-time review of Police Department Hiring includes recruitment and hiring processes to

¹ September 13, 2021 City Council Item #1, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/09-september/20210913/20210913smccsct-final.pdf>.

² March 14, 2022 City Council Item #11, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220314/20220314pccsm-amended-final-revised-ppt.pdf>

³ June 20, 2022 City Council Informational Item #33, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220620/20220620pccsm-amended-final-final.pdf>

assess the extent to which the PAPD recruiting and hiring strategy and standards reflect contemporary thinking about candidate eligibility, suitability, and potential. OIR will provide an update on their progress at the November 14 Study Session and staff anticipates the Hiring and Recruiting report to be released by the end of the year. The IPA plans to discuss a high-level review of their recent report recommendations with the City Council during this study session.

Resource Impact

The City's contract with OIR provides for \$97,500 for core services, including secondary reviews of the Police Department administrative investigations and other matters as described in the contract; preparation of two reports per year; and two discussions with the City Council. Performance reviews are funded as optional additional services, up to \$10,000. This additional \$10,000 is being used this year for the recruitment and hiring review.



City of Palo Alto City Council Staff Report

(ID # 14407)

Meeting Date: 11/14/2022

Report Type: Consent Calendar

Title: Approval of Contract Amendment Number 3 to Contract Number C16166822 with ARC Document Solutions for Copiers/Printers to Extend the Term of the Contract for Three Additional Years and to Decrease the Annual Amount by \$102,068 to \$306,000 Per Year and a Total Contract Not to Exceed amount of \$2,835,340

From: City Manager

Lead Department: Administrative Services

Recommendation

Staff recommends the City Council approve and authorize the City Manager or their designee to execute Contract Amendment No. 3 to Contract No. C16166822 (Attachment A) with ARC Document Solutions (ARC) for managed print services to:

- 1) Extend the term of the contract for three additional years from June 30, 2022 to June 30, 2025, and
- 2) Decrease the annual not-to-exceed amount from \$408,068 to \$306,000 per year, for a new contract total not-to exceed amount of \$2,835,340.

Background

The City of Palo Alto uses multifunctional copier, printer, fax and scanner machines and related maintenance services citywide provided by ARC in a five-year contract established in 2016 (CMR ID #7046¹), with a not to exceed value of \$1.7 million over the five-year term. This contract was entered into in place of an expired Toshiba copier lease agreement. The ARC contract implemented new multifunctional machines under a managed print services model providing standard copy and scanning functions and link via the cloud to the ARC document storage platform. The new machines replaced the City's prior fleet of standard office copiers. Staff evaluated options from several service providers through cooperative pricing arrangements and determined that ARC offered the best combination of price and features. Offerings from ARC, Cannon, EIS-Xerox, Toshiba, Ricoh, Sharp and CTKonica, KBA-Kyocera and Ricoh were reviewed during this process.

¹ 11/14/2016 City Council, *Managed Print Services Contract with ARC*;
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2016/7046.pdf>

The City of Palo Alto prints its own utility bills for all utility customers, approximately 350,000 paper bills annually. Under the 2016 ARC contract, ARC was able to test and deploy new bill printing machines and include them in the citywide contract. This allowed the City to consolidate printing activities to a single contract instead of maintaining standalone printers including specific toner supply for those units. In addition to the new ARC units brought on for utility bill printing, ARC machines were also added in department locations throughout the City that previously had aging standalone network printers. All ARC units are serviced regularly by ARC, including replacing toner cartridges and stocking with paper; these costs are rolled into the per-click charge model operating by ARC.

Discussion

Amendment #3 seeks to increase the length of the current contract with ARC and lower the total compensation of the contract. As a result in changes in business costs, the City's annual spend with ARC has adjusted from \$408,000 on average to \$306,000. The cost reduction is due in part to continued conversion from paper-based processes to paperless processes. The primary catalyst, however, is the significant change in business processes as a result of the pandemic. As a volume-based contract price, the reduction in activity has resulted in lower annual costs by approximately \$100,000.

The additional length of time is requested without an increase in annual compensation due to the significant savings realized during the pandemic. Due to staffing limitations and turnover, staff have been unable to complete a new procurement process. The additional three years, without an increase in costs to the City, will allow the Department to review the market place and complete a proper procurement process.

Resource Impact

The annual not-to-exceed amount decreased from \$408,068 to \$306,000 per year, for a new contract total not-to exceed amount of \$2,835,340 from the current not-to-exceed amount of \$1,917,340. The decrease in annual cost will be allocated to City departments based on recent historical experience, and primarily will be seen across operating departments and the services for Utility billing. The actual costs will vary depending on printing quantity, color versus black and white, utility bill content and inserts.

Funding for the existing ARC contract is available in the Fiscal Year 2023 Adopted Operating Budget in the Printing and Mail Internal Service Fund. Funding for future fiscal years is subject to City Council approval through the annual budget process.

Environmental Review

These services do not constitute a project for the purposes of the California Environmental Quality Act.

Attachments:

- **Attachment4.a:** Attachment A: ARC Document Solutions Contract; C16166822, Amendment No. 3

**AMENDMENT NO. 3 TO CONTRACT NO. C16166822
BETWEEN THE CITY OF PALO ALTO AND
ARC DOCUMENT SOLUTIONS**

This Amendment No. 3 (this "Amendment") to Contract No.C16166822 (the "Contract" as defined below) is entered into as of September 19, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and ARC DOCUMENT SOLUTIONS, a Texas limited liability company, located at 2430 Mariner Square Loop, Suite A, Alameda, California, 94501, Telephone Number: (415) 495-2542 ("CONSULTANT"). CITY and CONSULTANT are referred to collectively as the "Parties" in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of Copier Equipment, Software, and Services, as detailed therein, with an annual not-to-exceed amount of \$367,068 for 5 years for a not-to-exceed amount of \$1,835,340.

B. The Parties amended the Contract via Amendment No. 1 to increase the annual not-to-exceed amount from \$367,068 to \$408,068 for contract years 4 and 5 in order to cover higher-than-anticipated use of the Services during certain months of the year, and thereby increasing the not-to-exceed amount of the Contract from \$1,835,340 to \$1,917,340.

C. The Parties amended the Contract via Amendment No. 2 to extend the term of the Contract by 6 months, from December 31, 2021 to June 30, 2022.

D. The Parties now wish to amend the Contract in order to extend the term of the Contract for three additional years from June 30, 2022 to June 30, 2025, and to decrease the annual not-to-exceed amount from \$408,068 to \$306,000 per year, for a new Contract total not-to-exceed amount of \$2,835,340, as detailed herein.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

SECTION 1. Definitions. The following definitions shall apply to this Amendment:

- a. **Contract.** The term "Contract" shall mean Contract No. C16166822 between CONSULTANT and CITY, dated December 1, 2017, as amended by:

Amendment No.1, dated December 10, 2018

Amendment No.2, dated February 7, 2022

- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

Vers.: Aug. 5, 2019

SECTION 2. Section 2, "EXHIBITS," of the Contract is hereby amended to read as follows:

"2. EXHIBITS. The following exhibits are attached to and made a part of this Agreement:

- "A" – Scope of Services
- "A-1" – Exhibits
- "B" – Schedule of Performance
- "C" – Schedule of Fees
- "D" – Insurance Requirements
- "E" – IT Security Requirements

CONTRACT IS NOT COMPLETE UNLESS ALL INDICATED EXHIBITS ARE ATTACHED."

SECTION 3. Section 3, "TERM," of the Contract is hereby amended to read as follows:

"3. TERM. The term of this Agreement is from 12/01/2016 to 06/30/2025 inclusive, subject to the provisions of Sections R and W of the General Terms and Conditions. The Term of this Agreement shall be for (102) one hundred two months ("Term"), beginning on the date of installation. Thereafter, the term of this Agreement shall be renewed only upon mutual agreement, unless otherwise terminated by either party."

SECTION 4. Section 5, "COMPENSATION FOR ORIGINAL TERM," of the Contract is hereby amended to read as follows:

"5. COMPENSATION FOR ORIGINAL TERM. CITY shall pay and CONSULTANT agrees to accept as not-to-exceed compensation for the full performance of the Services and reimbursable expenses, if any:

- Not to exceed a maximum annual sum in Year 1, Year 2, and Year 3 of three hundred sixty seven thousand sixty eight dollars (\$367,068), in Year 4 and Year 5 of four hundred eight thousand sixty eight dollars (\$408,068), and in Year 6, Year 7, and Year 8 of three hundred six thousand dollars (\$306,000), for a total not-to-exceed maximum compensation amount of the Agreement of two million eight hundred thirty five thousand three hundred forty dollars (\$2,835,340).

CONTRACTOR agrees that it can perform the Services for an amount not to exceed the total maximum compensation set forth above. Any hours worked or services performed by CONTRACTOR for which payment would result in a total exceeding the maximum amount of compensation set forth above for performance of the Services shall be at no cost to CITY."

Vers.: Aug. 5, 2019

SECTION 5. The following exhibits to the Contract are hereby amended or added, as indicated below, to read as set forth in the attachments to this Amendment, which are hereby incorporated in full into this Amendment and into the Contract by this reference:

- a. Exhibit "A" entitled "SCOPE OF SERVICES", AMENDED, REPLACES PREVIOUS.
- b. Exhibit "A-1" entitled "EQUIPMENT", AMENDED, REPLACES PREVIOUS.
- c. Exhibit "C" entitled "SCHEDULE OF FEES", AMENDED, REPLACES PREVIOUS.

SECTION 6. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 7. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO

ARC DOCUMENT SOLUTIONS

City Manager

Officer 1

APPROVED AS TO FORM:

DocuSigned by:
By: *Rick Perry*
Name: RICK PERRY
Title: VP of Operations

City Attorney or designee

Officer 2 (Required for Corp. or LLC)

DocuSigned by:
By: *Tyler Kuruneru*
Name: TYLER KURUNERU
Title: Regional Vice President

Attachments:

- EXHIBIT A: SCOPE OF SERVICES (AMENDED, REPLACES PREVIOUS)
- EXHIBIT A-1: EQUIPMENT (AMENDED, REPLACES PREVIOUS)
- EXHIBIT C: SCHEDULE OF FEES (AMENDED, REPLACES PREVIOUS)

EXHIBIT A
SCOPE OF SERVICES
(AMENDED, REPLACES PREVIOUS)

SUMMARY

ARC Document Solutions, LLC ("ARC") will provide the Equipment, Software, and Services outlined in Exhibit A-1 (Equipment) of this Agreement.

IMPLEMENTATION: ARC shall plan and coordinate with the CITY of Palo Alto ("CITY") a phased in implementation process of agreed to brand(s) and models of multi-functional printers, any other equipment (scanners), and the Abacus Managed Print Services (MPS) software. ARC's implementation process shall include assessment of each implementing CITY department's business work processes. The implementation shall also provide adequate MPS and equipment use training. The implementation process shall adequately assist the CITY in maximizing its use of the managed print services technology and the equipment technology, both of which allow the CITY's to print less and increase use of the CITY's electronic document management practices. The implementation schedule can be found in Exhibit B (Schedule of Performance) of this Agreement.

SERVICE LEVEL: During the Term, ARC shall provide onsite service and/or remote service (when access is allowed by CITY) during normal business hours ("Services"). Diagnosis will be performed within a 4-8 hour time-frame and resolution, when feasible within 48 hours.

ONGOING SUPPORT, INSTALLATION, RELOCATIONS & REINSTALLATIONS: ARC and CITY agree to meet, as needed, to discuss service, volume, and/or new technologies. CITY agrees the Equipment shall not be relocated without the prior written approval of ARC. Relocation and software re-installation fees will be assessed at the time of the request at \$150.00 per hour. CITY agrees not to allow any sub-tenants with additional networks to use or access ARC Equipment without the prior approval of ARC.

CITY may option to have ARC change out the brand and/or model of equipment at any one or more locations. If the CITY places three (3) service calls on any given Multifunctional Device (MFD) copier within a month, ARC will escalate to the equipment manufacturer. If the MFD copier has not been fixed and the issue(s) still persists within ninety (90) days, a like for like copier equipment (L4L) will be rendered. CITY is advised by ARC to limit equipment variety wherever possible in order to sustain end user consistency of equipment use within the MPS environment. CITY may option to have ARC replace any equipment at any location that is found to be deficient in performance. CITY may at any time exercise its option to have ARC remove any of the equipment ARC provides at any location without penalty or cost to the CITY.

PAPER SUPPLY: Included as part of the service, ARC will supply copier/printer paper in the type/grade required by the city. ARC will be remotely monitoring paper usage, toner usage, and all equipment activity, in an effort to maintain 100% uptime performance. Paper will be automatically delivered to the various departments where equipment is located, based on the

Vers.: Aug. 5, 2019

appropriately monitored usage levels of each equipment unit. This means the intervals and amounts of cases of paper shipped will vary by location based on usage rates in each location.

ONSITE SUPPORT: CONSULTANT to Provide One (1) Part-Time Onsite Employee to replace paper and toner at all scheduled locations.

HARD-DRIVE SECURITY PROCEDURES for multi-function devices at ARC MPS Locations:

Removal of existing customer data and information from a machine's hard disk drive at replacement or return at end of term:

For Xerox Workcentre devices: Jobs may be written to nonvolatile memory (e.g. to a hard drive) during processing. Generally, when a job finishes, this data is deleted, but may still be recoverable using forensic tools. Image overwrite is effective at eliminating this job data from the hard drive once the data is no longer needed. Xerox also scrambles the data with the user data encryption feature. This further protects data at rest from unauthorized access. Countermeasures are built into products to reduce this risk. ARC will be enabling the following features upon deployment:

- **Immediate Job Overwrite or Immediate Image Overwrite** is a feature that deletes and overwrites (with a specific data pattern) disk sectors that temporarily contained electronic image data. Products that use hard disk drives to store job data initiate this process at the completion of each job. This conforms to NIST Special Publication 800-88 Rev1. This should be enabled (and is by default on many products).

- **On Demand Image Overwrite** is a manually initiated (can also be scheduled) feature that deletes and overwrites (with a specific data pattern) every sector of any partitions of the hard drive that may contain customer data. The device will be offline for a period of 20 minutes to one hour while this completes. This conforms to NIST Special Publication 800-88 Rev1. ODIO is effective as an extra protection step when the utmost in security is needed.

- **Disk or User Data Encryption** is a feature which encrypts all partitions of the hard drive that may contain customer data with AES encryption. This should be enabled (and is by default on many products). Encryption can be used in combination with either overwrite feature.

For any other brand of ARC provided multifunctional printer devices: The technology and means may differ according to brand. ARC and the City will address by Contract amendment.

For any non-ARC provided, decommissioned multifunctional printer devices: at the request of the City, ARC will e-waste the machines for a fee of \$125 per unit and offer two options:

- Remove and leave the Hard drive to the City
OR
- Format the Hard Drive (this takes 1-5 hours depending on the amount of information stored)

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When ARC is removing or replacing any Multifunctional Printer devices, a sign off certification sheet validating the removal of customer data and information will be provided to the City's IT department.

ABACUS TRACKING SOFTWARE:

- Implement Abacus to enable/encourage continuous improvement of sustainable printing practices with Rules Based Printing to reduce hardcopy/color printing/costs, to encourage paperless work flows and redirect large print jobs to the print center. Print Retrieval to improve confidentiality and to eliminate wasted prints saving paper.
- Print and Copy Tracking to identify, track and allocate costs to appropriate departments
- Print & Archive / Scan to Archive workflow to SkySite InfoLink
- Data Cost Agent to automatically replenish toner for networked devices and reduce admin time managing ink/toner/paper inventory, proactively monitor error messages and create a more proactive approach to printer support to reduce downtime.

Software to include: Abacus Print Management User Licenses (500 Users), Abacus Print Management Device Licenses (60 Devices), On-Site Installation & Training, Annual Support, Hardware Server, Installation of RFID Card Readers to all MFD copiers.

REPORTING: ARC will provide reports to CITY of Palo Alto's Department / Division level managers on established intervals (monthly and quarterly). ARC will provide enterprise-wide activity reports quarterly to the CITY's executive and environmental management. Reports will range in detail from equipment usage activity to individual desktop user activity. ARC representatives are available to help review and interpret report data as needed.

**EXHIBIT A-1
EQUIPMENT
(AMENDED, REPLACES PREVIOUS)**



EXHIBIT A-1 Equipment

<u>Location</u>	<u>Equipment</u> (Attachments)	<u>Serial Number</u>	<u>Type</u>	<u>Action/Notes</u> (Assume/New/Remove/Service Only)
250H1F - 2	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H2F - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H2F - 7	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H3F - 4	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H3F - 9	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H4F - 1	Xerox WorkCentre 7855PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H4F - 3	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H5F - 1	Xerox WorkCentre 7855PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H5F - 5	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
250H6F - 1	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
250H6F - 4	Xerox WorkCentre 7855PT (Single Line Fax Kit, Office Finisher, 2/3 Hole Punch)	N/A	MFD – Color	New
250H7F - 2	Xerox WorkCentre 7970 (Single Line Fax Kit, Office Finisher with 2/3 Hole Punch, High Capacity Tray)	N/A	MFD – Color	New
250H7F - 6	Xerox WorkCentre 7855PT (Single Line Fax Kit, Office Finisher, 2/3 Hole Punch)	N/A	MFD – Color	New
250H8F - 3	Xerox WorkCentre 7855PT (Single Line Fax Kit, Office Finisher, 2/3 Hole Punch)	N/A	MFD – Color	New
250HM - 2	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
285H1F - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
285H1F - 10	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
285H2F - 4	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
AC - 1	Xerox WorkCentre 7835PT (Single Line Fax Kit)	N/A	MFD – Color	New
AIR - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
AS - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
BAYLANDS RANGER STATION	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
CHILDREN'S THEATRE	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
CLIB - 9	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
CSD - 5	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
CTLIB - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
DTLIB - 8	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
FOOTHILL PARK	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
FS1 - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New
FS2 - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD – Color	New
FS6 - 7	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD – Color	New



HR - 1 & HR - 3	Xerox WorkCentre 7970 (Single Line Fax Kit, Office Finisher with 2/3 Hole Punch, High Capacity Tray)	N/A	MFD - Color	New
HR-REC - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
JrMZ - 4	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
LS - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
MLUB - 7	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
MPLIB1F - 26	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
MPLIB2F - 8	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
MSC - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
MSC - 11	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
MSC - 20	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
MSC - 30	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
MSC2 - 13	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
MSC2 - 24B	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
MSC2 - 7	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
OES - 1	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
PD - 1	Xerox WorkCentre 7855PT (Single Line Fax Kit)	N/A	MFD - Color	New
PD - 27	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
PD - 5	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
PD2-11	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
PD2-4	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
PUBLIC WORKS	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
REFUSE	Xerox WorkCentre 6655X	N/A	Workgroup Color MFD	New
REVCOL - 3	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
UE - 1	Xerox WorkCentre 7830PT (Single Line Fax Kit)	N/A	MFD - Color	New
UE - 12	Xerox WorkCentre 7855PT (Single Line Fax Kit, Office Finisher, 2/3 Hole Punch)	N/A	MFD - Color	New
UE - 6	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
WMA - 19	Xerox WorkCentre 7835PT (Single Line Fax Kit)	N/A	MFD - Color	New
WMA - 4	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New
WMA - 8	Xerox WorkCentre 7845PT (Single Line Fax Kit)	N/A	MFD - Color	New

**EXHIBIT C
SCHEDULE OF FEES
(AMENDED, REPLACES PREVIOUS)**

Compensation based upon fee schedule CITY shall pay CONSULTANT according to the following rate schedule. The maximum amount of compensation to be paid to CONSULTANT, including both payment for services and reimbursable expenses, shall not exceed the amounts set forth in Section 5 of the Agreement. Any services provided or hours worked for which payment would result in a total exceeding the maximum amount of compensation set forth herein shall be at no cost to CITY.

ORIGINAL CONTRACT:	ANNUAL COST:
Year 1 (Dec 1, 2016 - Dec 31, 2017)	\$ 367,068
Year 2 (Jan 1, 2018 - Dec 31, 2017)	\$ 367,068
Year 3 (Jan 1, 2019 - Dec 31, 2019)	\$ 367,068
Subtotal of Original Contract:	\$ 1,101,204
AMENDMENT NO 1:	ANNUAL COST:
Year 4 (Jan 1, 2020 - Dec 31, 2020)	\$ 408,068
Year 5 (Jan 1, 2021 - Dec 31, 2021)	\$ 408,068
Subtotal of Amendment No. 1:	\$ 816,136
Sum of Original and Amend No.1:	\$ 1,917,340
AMENDMENT NO 2: (Jan 1, 2021 - June 30, 2022)	Term extension only
AMENDMENT NO 3:	ANNUAL COST:
Year 6 (July 1, 2022 - June 30, 2023)	\$ 306,000
Year 7 (July 1, 2023 - June 30, 2024)	\$ 306,000
Year 8 (July 1, 2024 - June 30, 2025)	\$ 306,000
Subtotal of Amendment No. 3:	\$ 918,000
TOTAL NOT TO EXCEED (Sum of Original and Amend No. 1 & 3):	\$ 2,835,340

(EXHIBIT C IS CONTINUED ON THE FOLLOWING PAGES.)

Equipment (Place)

Quantity	Equipment	Monthly Unit Base Price	Monthly Total Base Price
1	See Appendix A (67 total devices)	\$0.00	\$0.00

On-Site Service Rates

Service	Unit of Measurement	Price
Small Format B&W (8 ½ x 11)	Impression	\$0.0900
Small Format Color (8 ½ x 11)	Impression	\$0.2700
Small Format B&W (8 ½ x 11) KM Bizhub 658e - Invoice Printer	Impression	\$0.0300

NOTE: Small Format Media Rates Include Ink/Toner & 20# Bond Paper ("Standard Consumables"); 11 x 17 will be charged as two times 8 ½ x 11.

Client Location Where Equipment Will Reside

Address	City	State	Zip Code	Country
See Appendix A	Palo Alto	CA	94301	United States

Appendix A (Equipment & Location) is hereby attached and incorporated into this Exhibit C (Schedule of Fees) by reference as though fully set forth herein.

Appendix A (Equipment & Location) to Exhibit C (Schedule of Fees)



APPENDIX A – EQUIPMENT & LOCATION

Customer Name	Make	Model	Serial#	Address 1	City	State	Zip
City of Palo Alto	ABACUS	4.3.1	4X7D3-2STBH-QZNZP-3A31W	250 Hamilton Avenue	Palo Alto	CA	94305
City of Palo Alto	ABACUS	5 – Enterprise	CH3BA-LOQK2-C8WJL-ZJMVT	250 Hamilton Avenue	Palo Alto	CA	94305
City of Palo Alto- Water Quality Office Trailer	XEROX	AltaLink C8035	3TX394102	2501 Embarcadero Way	Palo Alto	CA	94303
City of Palo Alto- DSD (Back Office)	XEROX	AltaLink C8045	8TB565057	526 Bryant St	Palo Alto	CA	94301
City of Palo Alto- Public Works Department - Zero Waste	XEROX	AltaLink C8045	8TB573818	3201 E. Bayshore Rd	Palo Alto	CA	94303
City of Palo Alto- Utilities Admin (3rd Fl)	XEROX	AltaLink C8070	6TB447334	250 Hamilton Avenue, 3rd Floor	Palo Alto	CA	94301
City of Palo Alto	Asset	Asset	ID READERS	250 Hamilton Avenue	Palo Alto	CA	94305
City of Palo Alto- IT/Information Resouces	KONICA MINOLTA	Bizhub 658e	AA6R011000084	250 Hamilton Avenue, 2nd Floor	Palo Alto	CA	94301
City of Palo Alto- IT/Information Resouces	KONICA MINOLTA	Bizhub 658e	AA6R011000695	250 Hamilton Avenue, 2nd Floor	Palo Alto	CA	94301
City of Palo Alto- IT/Information Resouces	KONICA MINOLTA	Bizhub 658e	AA6R011000047	250 Hamilton Avenue, 2nd Floor	Palo Alto	CA	94301
City of Palo Alto- Water Quality Plant Manager #110	XEROX	WC7845	MX4272838	1900 Embarcadero Way	Palo Alto	CA	94303
City of Palo Alto- Accounts Payable Office	XEROX	WorkCentre 6655	E1B082364	250 Hamilton Avenue	Palo Alto	CA	94301
City of Palo Alto- Office of Management and Budget- 1st Floor	XEROX	WorkCentre 6655	E1B976445	250 Hamilton Avenue, 4th Floor	Palo Alto	CA	94301
City of Palo Alto- Police Administration	XEROX	WorkCentre 6655	E1B086023	275 Forrest Avenue	Palo Alto	CA	94301

Vers.: Aug. 5, 2019



City of Palo Alto- Stores (Bldg. A)	XEROX	WorkCentre 6655	E18976603	3201 E Bayshore Road, Bldg. A	Palo Alto	CA	94303
City of Palo Alto- Admin/Accounting - 4th Floor	XEROX	WorkCentre 7830	MX1058297	250 Hamilton Avenue, 4th Floor	Palo Alto	CA	94305
City of Palo Alto- Airport	XEROX	WorkCentre 7830	MX1058301	1925 Embarcadero Road	Palo Alto	CA	94303
City of Palo Alto- Baylands Ranger Station	XEROX	WorkCentre 7830	MX1057986	2500 Embarcadero Road	Palo Alto	CA	94303
City of Palo Alto- Children's Library	XEROX	WorkCentre 7830	MX1057938	1276 Harriet Street	Palo Alto	CA	94301
City of Palo Alto- City Auditor (7th Floor)	XEROX	WorkCentre 7830	MX1058236	250 Hamilton Avenue	Palo Alto	CA	94301
City of Palo Alto- Development Center (Lobby)	XEROX	WorkCentre 7830	MX1057930	285 Hamilton Avenue, Print Room	Palo Alto	CA	94301
City of Palo Alto- Development Center (Rear Office)	XEROX	WorkCentre 7830	MX1058248	285 Hamilton Avenue, 1st Floor	Palo Alto	CA	94301
City of Palo Alto- Facilities (Bldg. A)	XEROX	WorkCentre 7830	MX1058302	3201 E Bayshore Road, Bldg. A	Palo Alto	CA	94303
City of Palo Alto- IT/Information Resouces	XEROX	WorkCentre 7830	MX1058298	250 Hamilton Avenue, 2nd Floor	Palo Alto	CA	94301
City of Palo Alto- Main Library	XEROX	WorkCentre 7830	MX1058233	3700 Middlefield Road, Copy Room	Palo Alto	CA	94303
City of Palo Alto- Main Library (Rinconada)	XEROX	WorkCentre 7830	MX1058222	1213 Newell Road, Green Room	Palo Alto	CA	94306
City of Palo Alto- Plotter Room	XEROX	WorkCentre 7830	MX1058283	1007 Elwell Court	Palo Alto	CA	94303
City of Palo Alto- Police Dispatch	XEROX	WorkCentre 7830	MX1058271	275 Forrest Avenue	Palo Alto	CA	94301
City of Palo Alto- Police Report Writing/POD	XEROX	WorkCentre 7830	MX1058277	275 Forrest Avenue	Palo Alto	CA	94301
City of Palo Alto- REFUSE	XEROX	WorkCentre 7830	MX1058295	2380 Embarcadero Road	Palo Alto	CA	94301



City of Palo Alto- Revenue Collection	XEROX	WorkCentre 7830	MX1057987	250 Hamilton Avenue, 1st Floor	Palo Alto	CA	94303
City of Palo Alto- Utilities Control	XEROX	WorkCentre 7830	MX1058293	3241 E Bayshore Road	Palo Alto	CA	94303
City of Palo Alto- Utilities Customer Services (Ground Floor)	XEROX	WorkCentre 7830	MX1058304	250 Hamilton Avenue, 1st floor	Palo Alto	CA	94305
City of Palo Alto- Utilities Engineering (Side)	XEROX	WorkCentre 7830	MX1058309	1007 Elwell Road	Palo Alto	CA	94303
City of Palo Alto- Art Center	XEROX	WorkCentre 7835	MX1058311	1313 Newell Road	Palo Alto	CA	94303
City of Palo Alto- Bayland Nature Center	XEROX	WorkCentre 7835	MX1058306	2775 Embarcadero Road	Palo Alto	CA	94303
City of Palo Alto- Fire Station #2	XEROX	WorkCentre 7835	MX1058292	2675 Hanover Street	Palo Alto	CA	94304
City of Palo Alto- Water Quality Admin (WMA-8)	XEROX	WorkCentre 7835	MX1058220	2501 Embarcadero Way	Palo Alto	CA	94303
City of Palo Alto- Children's Theatre	XEROX	WorkCentre 7845	MX4493284	1305 Middlefield Road	Palo Alto	CA	94303
City of Palo Alto- College Terrace Library	XEROX	WorkCentre 7845	MX4494617	2300 Wellesley Street	Palo Alto	CA	94306
City of Palo Alto- Cubberly Main Office T2	XEROX	WorkCentre 7845	MX4494848	4000 Middlefield Road, Bldg. T2	Palo Alto	CA	94303
City of Palo Alto- Fire Department/Admin	XEROX	WorkCentre 7845	MX4493561	250 Hamilton Avenue, 6th Floor	Palo Alto	CA	94305
City of Palo Alto- Fire Station #1	XEROX	WorkCentre 7845	MX4494693	301 Alma Street	Palo Alto	CA	94301
City of Palo Alto- Fire Station #6	XEROX	WorkCentre 7845	MX4495079	711 Serra Street	Stanford	CA	94305
City of Palo Alto- Foothills Park	XEROX	WorkCentre 7845	MX4493464	3300 Page Mill Road	Los Altos	CA	94022
City of Palo Alto- Junior Museum Zoo	XEROX	WorkCentre 7845	MX4494633	1451 Middlefield Road, Prototyping Room	Palo Alto	CA	94301



City of Palo Alto- Library @ Forest (admin)	XEROX	WorkCentre 7845	MX4495054	270 Forrest Avenue	Palo Alto	CA	94301
City of Palo Alto- Mitchell Park	XEROX	WorkCentre 7845	MX4493296	4000 Middlefield Road	Palo Alto	CA	94303
City of Palo Alto- Municipal Services	XEROX	WorkCentre 7845	MX4272875	3201 E. Bayshore Rd	Palo Alto	CA	94303
City of Palo Alto- Park & Open Space, Golf (Bldg. B)	XEROX	WorkCentre 7845	MX4495098	3201 E Bayshore Road, Bldg. B	Palo Alto	CA	94303
City of Palo Alto- Police Administration	XEROX	WorkCentre 7845	MX4494607	275 Forrest Avenue	Palo Alto	CA	94301
City of Palo Alto- Public Works Admin/Eng	XEROX	WorkCentre 7845	MX4494640	250 Hamilton Avenue, 6th Floor	Palo Alto	CA	94305
City of Palo Alto- Public Works Operations (Bldg. C)	XEROX	WorkCentre 7845	MX4493664	3201 E Bayshore Road, Bldg. C	Palo Alto	CA	94303
City of Palo Alto- Recreation/Lucy Stern	XEROX	WorkCentre 7845	MX4494609	1305 Middlefield Road, Supply Room	Palo Alto	CA	94301
City of Palo Alto- Temp Teen Center	XEROX	WorkCentre 7845	MX4493106	3700 Middlefield Road	Palo Alto	CA	94303
City of Palo Alto- Utilities Customer Services 2nd Floor	XEROX	WorkCentre 7845	MX4494581	250 Hamilton Avenue, 2nd Floor	Palo Alto	CA	94305
City of Palo Alto- Utilities Electrical Ops (Bldg. C)	XEROX	WorkCentre 7845	MX4495060	3201 E Bayshore Road, Bldg. C	Palo Alto	CA	94303
City of Palo Alto- Utilities Engineering (Lobby)	XEROX	WorkCentre 7845	MX4494696	1007 Elwell Court	Palo Alto	CA	94303
City of Palo Alto- Utilities Meter Dept.	XEROX	WorkCentre 7845	MX4492948	3201 E Bayshore Road	Palo Alto	CA	94303
City of Palo Alto- Water Gas Wastewater (Bldg. C)	XEROX	WorkCentre 7845	MX4494719	3201 E Bayshore Road, Bldg. C	Palo Alto	CA	94303
City of Palo Alto- Water Quality Maintenance (WMA-19)	XEROX	WorkCentre 7845	MX4493577	2501 Embarcadero Way	Palo Alto	CA	94303
City of Palo Alto- Water Quality Operations (WMA-4)	XEROX	WorkCentre 7845	MX4492921	3201 Embarcadero Way	Palo Alto	CA	94303



City of Palo Alto- City Manager	XEROX	WorkCentre 7855	MX4493685	250 Hamilton Avenue, 7th Floor	Palo Alto	CA	94301
City of Palo Alto- Cubberly D-4	XEROX	WorkCentre 7855	MX4493711	4000 Middlefield Road, D-4	Palo Alto	CA	
City of Palo Alto- Legal	XEROX	WorkCentre 7855	MX4494629	250 Hamilton Avenue, 8th Floor	Palo Alto	CA	94301
City of Palo Alto- Planning	XEROX	WorkCentre 7855	MX4493566	250 Hamilton Avenue, 5th Floor	Palo Alto	CA	94301
City of Palo Alto- Police Records/Front Desk	XEROX	WorkCentre 7855	MX4494685	275 Forrest Avenue	Palo Alto	CA	94303
City of Palo Alto- Public Works Admin/Eng	XEROX	WorkCentre 7855	MX4493077	250 Hamilton Avenue, 6th Floor	Palo Alto	CA	94305
City of Palo Alto- City Clerk	XEROX	WorkCentre 7970	B0W869826	250 Hamilton Avenue, 7th Floor	Palo Alto	CA	94301
City of Palo Alto- HR 250H	XEROX	WorkCentre 7970	B0W869825	250 Hamilton Avenue, 1st Floor	Palo Alto	CA	94301



City of Palo Alto City Council Staff Report

(ID # 14602)

Meeting Date: 11/14/2022

Report Type: Consent Calendar

Title: Approval of a Construction Contract with Anderson Pacific Engineering Construction in the Amount of \$6,070,000; Authorization for the City Manager or Their Designee to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$607,000; Approval of Amendment #1 to Contract Number C21176592C with Carollo Engineers to Add Services, to Increase Compensation by \$604,246 for a New Maximum Compensation Not-to-Exceed \$604,247 for the Wastewater Treatment Fund for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project funded by the Plant Repair, Retrofit, and Equipment Replacement Project (WQ-19002) at the Regional Water Quality Control Plant

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council:

1. Approve and authorize the City Manager or their designee to execute the contract with Anderson Pacific Engineering Construction, Inc., (APEC)¹, in the amount of \$6,070,000 for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project, funded in the Plant Repair, Retrofit, and Equipment Replacement Project (WQ-19002) at the Regional Water Quality Control Plant;
2. Authorize the City Manager or their designee to execute one or more change orders to the contract with APEC, for related, additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$607,000; and
3. Authorize the City Manager or their designee to execute Amendment No. 1 o Contract No. C21176592C with Carollo Engineers to increase the contract amount by \$604,246 to provide construction management and inspection services during construction for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project funded in the Plant Repair, Retrofit, and Equipment Replacement project (WQ-19002). The revised

¹ Contract [C23185744](https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/attachment-d-c23185744-anderson-pacific_cc_minutetraq.pdf) Anderson Pacific Engineering Construction, Inc., https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/attachment-d-c23185744-anderson-pacific_cc_minutetraq.pdf

total contract amount is not to exceed \$604,247 including \$549,315 for basic services and \$54,932 for additional services.

Background

The Regional Water Quality Control Plant (RWQCP) obtains electrical power from the City of Palo Alto Utilities (CPAU) Department. Onsite distribution of the medium voltage power is through a radial 12,470-volt (12kV) underground distribution system, which feeds ten power distribution load centers where the voltage is transformed from 12kV down to 480-volts. The 480-volt power is the key power supply for the RWQCP's industrial treatment equipment. The 12kV distribution system has feeder distribution cables installed around 1980. The 12kV cables, the existing load centers, and 12kV electrical switches are at the end of their useful life and in need of replacement.

In October 2012, the City adopted the Long Range Facilities Plan (LRFP), which provided a roadmap for future improvements at the RWQCP. This project is one of the projects recommended by the LRFP. Based on consultation with CPAU, replacement of the aging electrical infrastructure at the RWQCP is needed to maintain reliably safe operation. The design of the 12kV Electrical Power Distribution Loop Rehabilitation Project (Project) was completed in April 2022 under a separate contract (C19170648) with Salas O'Brien Engineers approved by Council in October 2018². The Project includes replacement of aging electrical cables, pad-mounted switches, and load centers; work includes construction of elevated equipment pads to adapt to the City's Sea Level Rise policy. The Project design includes plant-wide electrical system harmonic assessments and arc-flash hazard risk assessments.

Contract documents include a sequence of work that allows the construction work to be commenced in seven phases to allow for coordination with other RWQCP ongoing and upcoming capital program projects. This construction package is designated as Construction Bid Package 1, and it covers work under Phase 1 as indicated on the construction drawings. Currently, the Engineer's Estimate for the remaining Phases 2 through 7 is \$9.7 million; however, market conditions in the upcoming years will determine the actual cost of the remaining phases of the project.

Phase	Description	Estimate	Remarks
02	CPAU Secondary Service Cabinet and Switch 1910X	\$3,566,859	LC1
03	Medium Voltage Switch 1594X Replacement	\$1,213,442	Cap Bank
04	Medium Voltage Switch 1911X Replacement	\$1,549,061	LC2
05	Refeed Load Center LC9	\$146,380	
06	Medium Voltage Switch 1912X Replacement	\$1,908,116	LC 5 & 6
07	Medium Voltage Switch 1913X Replacement	\$1,276,063	LC7

² City Council Staff Report ID# 9274 October 2018 <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/id-9274-design-services-for-wqcp-medium-voltage-electrical-distribution-network-rehabilitation.pdf>

Phases 2 through 7	\$9,659,921
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Staff intends to execute one or more phases of the project every two years. The schedule and packaging of the phases will depend on priority of the phase, the availability of funds, and coordination with other on-going projects at the Plant.

Discussion

The 12kV Electrical Power Distribution Loop Rehabilitation Project includes seven phases of work that are being planned and sequenced in upcoming years to coordinate with other RWQCP ongoing capital projects. Under Bid Package 1 (IFB 185744), the Contractor will perform Phase 1 work including

- the replacement of electrical Switchgear 1914X, replacement of Load Center Nos. 3 and 4, and replacement of associated conductors;
- installation of temporary conductors and conduits during shutdown and switchover;
- demolition of existing equipment (load centers, switchgears, and transformers);
- site preparation work such as vegetation, pavement, and curb removal;
- site civil grading;
- installation of elevated equipment pads in conformance with City's Sea Level Rise Policy;
- installation of 45-foot deep foundation piers; and
- other miscellaneous work as specified in the contract documents.

Bid Process

On July 12, 2022, the City solicited formal bids from qualified contractors for the 12kV Electrical Power Distribution Loop Bid Package 1 Project. The bidding period was 41 calendar days. Three bids were received on August 22, 2022, with bid prices ranging from \$6,070,000 to \$7,601,819 as listed in the attached Bid Summary (Attachment B).

Table 1: Summary of Bid Process

Bid Name/Number	12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project (IFB No. 185744)
<i>Proposed Length of Project</i>	26 months after Notice to Proceed
<i># of Bid Packages downloaded by Contractors</i>	45
<i># of Bid Packages downloaded by Builder's Exchanges</i>	1
<i>Total Days to Respond to Bid</i>	41
<i>Pre-Bid Meeting</i>	Yes
<i># of Company Attended Pre-Bid Meeting</i>	16
<i># of Bids Received:</i>	3
<i>Base Bid Price Range</i>	\$6,070,000 to \$7,601,819

Staff has reviewed all bids submitted and recommends the bid of \$6,070,000 submitted by APEC be accepted, and APEC be declared the lowest responsible bidder. The base bid is 76.5%

above the engineer's estimate of \$3,440,000. This cost escalation is attributed to the higher equipment and material prices owing to the supply chain challenges in electrical equipment manufacturing and the tight labor market locally and nationwide. The medium voltage equipment specified by the design engineer meets the requirements of the Palo Alto Utilities Department electrical utility standards; this equipment is currently subject to long lead times and rising costs, which is a national issue.

A contingency amount of \$607,000 (10% of the bid price) is recommended for related, additional but unforeseen work that may develop during the project. Staff confirmed with the Contractor's State License Board that the contractor has an active license on file.

The City received one bid protest during this procurement process from the Foundation for Fair Contracting, a non-profit organization. Staff reviewed the allegations as well as information from the California Division of Occupational Safety and Health and Labor Commissioner. Based upon independent review (Attachment C), staff recommends proceeding with the award.

Selection of a Construction Management Firm

On June 21, 2021, Council approved five separate contracts³ (Contract C21179265 - with MNS Engineers, Inc.; CDM Smith; Carollo Engineers; MCK Americas, Inc.; and Tanner Pacific, Inc. These contracts provide for RWQCP on-call construction management and inspection services. They were initially set at a not-to-exceed amount of \$1 per contract to allow the City to select the firm that will provide qualified consultants for on-call services during construction of individual capital projects recommended by the LRFP. Services to be used are on a per-project basis, at the City's discretion.

On July 13, 2022, staff provided each of the five construction management consultants a scope of services with a list of tasks needed for the upcoming construction project (i.e., Work Order #2). Three proposals were received from Carollo Engineers, MNS Engineers, and MCK Americas with prices ranging from \$602,247 to \$1,916,410.

Table 2: Summary of Construction Management Work Order Proposals

<i>Request for Work Order Proposal Issued</i>	July 13, 2022
<i>Deadline for Questions, Clarifications</i>	August 3, 2022
<i>Proposals Due</i>	August 10, 2022
<i>Proposals Received</i>	3
<i>Finalist Identified</i>	1
<i>Proposals Price Range</i>	\$604,247 to \$1,916,410

An evaluation committee consisting of Public Works Department staff was formed to review the three proposals. The committee carefully reviewed each firm's qualifications and submittal

³ City Council Staff Report #1224 June 21, 2021 <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12324.pdf>

in response to the criteria identified in the Request for Work Order Proposal, including quality and completeness of the proposal, quality and effectiveness of services, experience with projects of similar scope and complexity, prior record of performance, cost, proposer's financial stability, and ability to provide future maintenance and/or services. Staff recommends amending the contract with Carollo, who provided a comprehensive approach to the services, demonstrated a clear understanding of needs, and proposed innovative solutions to the challenges of the complex capital program.

Timeline

The construction work for phase 1 is anticipated to be complete by December 31, 2024.

Resource Impact

The Palo Alto RWQCP treats the combined wastewater from Palo Alto, Los Altos, Los Altos Hills, Mountain View, Stanford University, and the East Palo Alto Sanitary District. Palo Alto's share of this project is 35% and the other five agencies' share is 65%, based on the fixed capacity established in partners' agreements. As the lead agency, the City of Palo Alto appropriated the funding for this Project in the Wastewater Treatment Enterprise Fund Capital Improvement Program as part of the FY 2023 Adopted Budget in the Plant Repair, Retrofit, and Equipment Replacement Project (WQ-19002) which has sufficient funding including the higher than estimated cost of this project.

Policy Implications

This recommendation does not represent any change to existing City policies and supports the Comprehensive Plan Policy N.4-16.

Stakeholder Engagement

This project is part of the RWQCP's minor capital improvement program funded by Palo Alto and the five partner agencies who use the RWQCP for wastewater treatment. The five partner agencies are regularly updated on both the need for and the progress of wastewater treatment capital work. Updates are provided each year at an annual meeting and at other periodic meetings established to inform partner agency staff about the major capital improvement program. With respect to Palo Alto itself, open meetings and the budget process serve as the main vehicle for engaging the community on both new projects such as this and associated rate impacts.

Environmental Review

Authorizing the City Manager to select one consultant to provide construction management services for the Medium Voltage Electrical Distribution System (12kV loop) Rehabilitation does not constitute a project under the California Environmental Quality Act (CEQA); therefore, an Environmental Assessment is not required.

The construction of this project has been determined to be exempt from CEQA under CEQA Guidelines Section 15301, subsections (b) and (e)(1), Existing Facilities, as it involves the repair

and maintenance of an existing publicly-owned utility used to provide sewerage treatment services with a minor addition to an existing building.

Attachments:

- **Attachment5.a:** Attachment A: Carollo Engineers Contract; C21179265C Amendment #1
- Attachment5.b: Attachment B: Bid Summary, Anderson Pacific
- Attachment5.c: Attachment C: Determination Letter
- Attachment5.d: Attachment D: Anderson Pacific Engineering Construction Contract; C23185744 Excerpt

**AMENDMENT NO. 1 TO CONTRACT NO. C21179265C
BETWEEN THE CITY OF PALO ALTO
AND CAROLLO ENGINEERS, INC.**

This Amendment No. 1 (this "Amendment") to Contract No. C21179265C (the "Contract" as defined below) is entered into as of November 14, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and CAROLLO ENGINEERS, INC., a California corporation, located at 2795 Mitchell Drive, Walnut Creek, CA 94598 ("CONSULTANT"). CITY and CONSULTANT are referred to collectively as the "Parties" in this Amendment.

RECITALS

- A. The Contract (as defined below) was entered into by and between the Parties to provide construction management and inspection services on an on-call, as-needed, time-limited basis in connection with individual projects or inspection tasks at the Regional Water Quality Control Plant (RWQCP), as detailed therein.
- B. The Parties now wish to amend the Contract in order to add Task 2 services (referred to as Work Order No. 2) for Construction Management and Inspection Services for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project, and to increase compensation by Six Hundred Four Thousand Two Hundred Forty-Six Dollars (\$604,246.00), from One Dollar (\$1.00) to Six Hundred Four Thousand Two Hundred Forty-Seven Dollars (\$604,247.00), as detailed herein.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

SECTION 1. Definitions. The following definitions shall apply to this Amendment:

- a. **Contract.** The term "Contract" shall mean Contract No. C21179265C between CONSULTANT and CITY, dated June 14, 2021.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 4 "NOT TO EXCEED COMPENSATION" of the Contract is hereby amended to read as follows:

The CITY is engaging multiple consultants, including CONSULTANT, that are eligible to respond with proposals to the CITY's project-specific Task Orders under the process described in Exhibit A. The compensation to be paid to CONSULTANT for performance of the Services shall be based on the

compensation structure detailed in Exhibit C, entitled "COMPENSATION," including any reimbursable expenses specified therein, and the maximum total compensation shall not exceed **One Dollar (\$1)**, unless CITY selects CONSULTANT, according to the process in Exhibit A, to perform services under a Task Order not to exceed **One Million Four Hundred Fifty Thousand Dollars (\$1,450,000)** over the term of the Agreement. No pre-qualified consultant, including the CONSULTANT under this Agreement, is guaranteed selection or assured of any minimum quantity of work to be performed. In the event CONSULTANT is not selected to provide Services under a Task Order, no payment is due from CITY.

The hourly schedule of rates, if applicable, is set out in Exhibit C-1, entitled "SCHEDULE OF RATES." Any work performed, or expenses incurred for which payment would result in a total exceeding the maximum compensation set forth in this Section 4 shall be at no cost to the CITY.

- A. The City has selected CONSULTANT to perform Work Order #2, for construction management and inspection services for the Medium Voltage Electrical Network (12kV Elec. Loop) Rehabilitation Bid Package 1 Project, in the amount not to exceed **Five Hundred Forty-Nine Thousand Three Hundred Fifteen Dollars (\$549,315.00)**. CONSULTANT agrees to complete all Basic Services, including reimbursable expenses, within this amount. In the event Additional Services (as defined below) are authorized, the total compensation for Basic Services, Additional Services and reimbursable expenses shall not exceed **Six Hundred Four Thousand Two Hundred Forty-Seven Dollars (\$604,247.00)**.

Optional Additional Services Provision (This provision applies only if checked and a not-to-exceed compensation amount for Additional Services is allocated below under this Section 4.)

In addition to the not-to-exceed compensation specified above, CITY has set aside the not-to-exceed compensation amount of **Fifty-Four Thousand Nine Hundred Thirty-Two Dollars (\$54,932.00)** for the performance of Additional Services (as defined below). The total compensation for performance of the Services, Additional Services and any reimbursable expenses specified in Exhibit C, shall not exceed **Six Hundred Four Thousand Two Hundred Forty Seven Dollars (\$604,247.00)** as detailed in Exhibit C.

"Additional Services" means any work that is determined by CITY to be necessary for the proper completion of the Project, but which is not included within the Scope of Services described in a Task Order issued under Exhibit A. CITY may elect to, but is not required to, authorize Additional Services up to the maximum amount of compensation set forth for Additional Services in this Section 4. CONSULTANT shall provide Additional Services only by advanced, written authorization from CITY as detailed in this Section. Additional Services, if any, shall be authorized by CITY with a Task Order assigned and authorized by CITY's Project Manager, as identified in Section 13 (Project Management). Each Task Order shall be in substantially the same form as Exhibit A-1, entitled "PROFESSIONAL SERVICES TASK ORDER". Each Task Order shall contain a specific scope of services, schedule of performance and

maximum compensation amount, in accordance with the provisions of this Agreement. Compensation for Additional Services shall be specified by CITY in the Task Order, based on whichever is lowest: the compensation structure set forth in Exhibit C, the hourly rates set forth in Exhibit C-1, or a negotiated lump sum.

To accept a Task Order, CONSULTANT shall sign the Task Order and return it to CITY's Project Manager within the time specified by the Project Manager, and upon authorization by CITY (defined as counter-signature by the CITY Project Manager), the fully executed Task Order shall become part of this Agreement. The cumulative total compensation to CONSULTANT for all Task Orders authorized under this Agreement shall not exceed the amount of compensation set forth for Additional Services in this Section 4. CONSULTANT shall only be compensated for Additional Services performed under an authorized Task Order and only up to the maximum amount of compensation set forth for Additional Services in this Section 4. Performance of and payment for any Additional Services are subject to all requirements and restrictions in this Agreement.

SECTION 3. The following exhibit(s) to the Contract are hereby amended, as indicated below, to read as set forth in the attachment(s) to this Amendment, which are hereby incorporated in full into this Amendment and into the Contract by this reference:

- a. Exhibit "A-2" entitled ""PROFESSIONAL SERVICES TASK ORDER NO. 2, AMENDMENT NO. 1" (ADDED).
- b. Exhibit "B" entitled "SCHEDULE OF PERFORMANCE, AMENDMENT NO. 1" (AMENDED, REPLACES PREVIOUS)
- c. Exhibit "C" entitled "COMPENSATION, AMENDMENT NO. 1," (AMENDED, REPLACES PREVIOUS).

SECTION 4. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 5. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

CITY OF PALO ALTO

CAROLLO ENGINEERS, INC.

City Manager or Designee

Officer 1

By: DocuSigned by:
Rick Chan, Senior Vice President
9B7DA73AC859451...
Rick Chan, Senior Vice President
Name: _____
Senior Vice President
Title: _____

APPROVED AS TO FORM:

City Attorney or Designee

Officer 2

By: DocuSigned by:
Anne E. Prudhel, Vice President
E7A59CC11E5E4E7...
Anne E. Prudhel, Vice President
Name: _____
Vice President
Title: _____

Attachments:

- Exhibit "A-2": PROFESSIONAL SERVICES TASK ORDER NO. 2
- Exhibit "B": SCHEDULE OF PERFORMANCE
- Exhibit "C": COMPENSATION

EXHIBIT "A-2"
PROFESSIONAL SERVICES TASK ORDER NO. 2

CONSULTANT shall perform the Services detailed below in accordance with all the terms and conditions of the Agreement referenced in Item 1A below. All exhibits referenced in Item 8 are incorporated into this Task Order by this reference. CONSULTANT shall furnish the necessary facilities, professional, technical and supporting personnel required by this Task Order as described below.

CONTRACT NO. C21179265C

- 1A. MASTER AGREEMENT NO.: C21179265C
- 1B. TASK ORDER NO 2: Work Order No. 2 for Construction and Inspection Management Services for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1 Project
2. CONSULTANT NAME: CAROLLO ENGINEERS, INC.
3. PERIOD OF PERFORMANCE: START: Immediately Once Notice To Proceed (NTP) is Issued; COMPLETION: 120 Weeks from NTP
4. TOTAL TASK ORDER NO. 1 PRICE: \$549,315
BALANCE REMAINING IN MASTER AGREEMENT/CONTRACT: \$900,685
5. WBS/CIP: WQ-19002
6. CITY PROJECT MANAGER: Padmakar Chaobal, Public Works Department, Environmental Services Division, RWQCP
7. DESCRIPTION OF SCOPE OF SERVICES MUST INCLUDE:
 - Services And Deliverables To Be Provided
 - Schedule Of Performance
 - Maximum Compensation Amount And Rate Schedule (*As Applicable*)
 - Reimbursable Expenses, If Any (With "Not To Exceed" Amount)
8. ATTACHMENTS: Task Order No. 2 Scope Of Services, including Schedule of Performance and Compensation Schedule

TASK ORDER #2 SCOPE OF SERVICES

WORK ORDER NO. 2: CONSTRUCTION AND INSPECTION MANAGEMENT SERVICES FOR THE 12KV ELECTRICAL POWER DISTRIBUTION LOOP REHABILITATION BID PACKAGE 1 PROJECT

Task 1: General Requirements

1. For any work which requires licensing, the Proposers shall be appropriately licensed in accordance with the laws of the State of California. The cost for any required licenses or permits shall be the responsibility of the successful Proposers.
2. CONSULTANT shall provide all necessary administration, project controls, quality assurance and professional oversight of the project to provide that the project remains on schedule, within budget, provides for continuity of information, and

satisfies the requirements of the CONTRACT. CONSULTANT shall prepare and distribute a Project Management Plan to include schedule, budget, roles, contracts and procedures.

3. At the beginning of each month, CONSULTANT shall submit to the CITY monthly invoices for the cost incurred during previous month; including subconsultant and expenses.
4. CONSULTANT shall prepare and submit monthly invoice packages to the City. The City prefers processing CONSULTANT pay requests that cover one calendar month. Monthly invoice packages are to include a progress report documenting progress. The report shall include the progress by each task, the budget status (authorized amount, current billing, billed to date, previously billed, amount remaining, and percent spent), outstanding issues, potential changes, project schedule and schedule impacts. CONSULTANT shall identify and mitigate potential budget overruns; and notify CITY Project Manager as soon as the potential overrun is identified. If SRF funding is used, progress reports shall include a summary of SRF eligible costs per month.

Task 2: Preconstruction Phase

1. CONSULTANT shall perform reviews of construction drawings and specifications at various levels of design, as assigned by the CITY with focus on constructability of the project. At a minimum, the CONSULTANT shall provide and log comments regarding the plans, specifications, and construction cost estimate in an Excel Workbook, provided by CITY. Comments should at a minimum include feedback on measurement and payment, sequencing, schedule, temporary facilities, constructability, and required contractor qualifications. The City may assign milestone reviews of other projects in the preconstruction phase. Reviews shall determine the coordination required between the subject project and other projects for concurrent work and the constructability of other projects following the completion of the subject project.
2. CONSULTANT shall assist the City with evaluation of construction bids to determine the lowest responsive and responsible bidder.
3. For each milestone meeting, CONSULTANT will prepare the agenda for the meeting, facilitate the meeting, address administrative and non-design issues, and prepare record of discussions of the meeting for distribution. CITY, ENGINEER and CONTRACTOR's team will attend the meeting. The ENGINEER will address design issues. At a minimum, there will be the following milestone meetings:
 - a. Project kick-off Meeting
 - b. Pre-bid Meeting
4. Administration
 - a. CONSULTANT to propose a project administration procedure, including an online document tracking system, for CITY approval. The administration procedure will detail how the CONSULTANT will track, store, distribute, and manage digital and hardcopy correspondence and project documentation and strategy for managing project communications.

- b. CONSULTANT shall establish and maintain a health and safety plan specific for CONSULTANT's staff and subconsultants. During construction activities, CONSULTANT shall follow CONTRACTOR(S)'s health and safety plan(s), if it is more stringent.
5. Office Setup
- a. CONSULTANT shall organize the hardcopy and digital files for the project prior to commencement of construction and coordinate with the CITY and CONTRACTOR for office trailer set-up.
 - b. CITY will designate location for the office trailer and provide utility connection points.
 - c. CONSULTANT will provide furnished office trailer, copier, phone/service, and internet access, unless otherwise provided by City.
6. Preconstruction Activities
- a. Site Walk Observations and Documentation
 - i. CONSULTANT will conduct preconstruction inspections, documenting conditions in a log and providing digital photographs and video(s).
 - b. Preconstruction Submittals
 - i. CONSULTANT to develop a list of CONTRACTOR pre-construction submittals.
 - ii. CONSULTANT to review CONTRACTOR's pre-construction submittals, schedule of values, and preliminary schedule.

Task 3: State Revolving Fund (SRF) Compliance – NOT APPLICABLE

Task 4: Construction Phase

- 1. Construction Administration
 - a. Project Coordination
 - i. CONSULTANT shall act as the project coordinator and the point of contact for all communications with the CONTRACTOR. The CONSULTANT shall coordinate construction activities of the CITY, ENGINEER, and CONTRACTOR. CONSULTANT responsibilities include: Conduct team meetings within the consulting firm to review progress, coordinate evaluations and identify information needs; Disseminate information to the design team; Manage the project budget; Manage the project schedule; Manage sub-consultants; Manage QA / QC team; Coordinate communications with other ongoing project's construction managers to facilitate the construction of ongoing projects and continuous Plant operations.
 - ii. CONSULTANT shall provide a contact phone number to respond to issues related to construction activity or coordination, 24 hours a day, 7 days a week.
 - b. Document Tracking System: CONSULTANT shall establish, implement and

maintain an online system for tracking all correspondence and documents on the Project or shall adopt a project administration procedure previously approved by CITY. CONSULTANT shall incorporate within the tracking system the means to track the routing of submittals/RFIs to the CITY's other consultants.

- c. Construction Administration Services: CONSULTANT shall provide administrative and management services. The CONSULTANT shall receive all correspondence from the CONTRACTOR and address all inquiries from the CONTRACTOR and construction related correspondence. The ENGINEER will be responsible for providing design input.

2. Meetings

- a. CONSULTANT shall prepare agenda for progress meetings and other construction meetings required during the Project, which will include weekly meetings with the CONTRACTOR and CITY.
- b. CONSULTANT shall facilitate and prepare records of discussions for the progress meetings and other construction related meetings.
- c. CONSULTANT shall have all pending decisions detailed for the meetings as well as project statistics (schedule updates, approximate percent project complete, near-term milestones).
- d. Anticipated Meetings
 - i. Construction kick-off meeting
 - ii. Weekly update meeting
 - iii. Minimum two (2) Electrical Service (Power Feed) Coordination Meeting with Palo Alto Electric Utilities
 - iv. Participate in an I&C Standards Review Meeting with RWQCP Technology / SCADA Support Staff
 - v. Project close-out Meeting
 - vi. Attend other concurrent projects' kickoff meetings
 - vii. Periodic coordination meetings with other ongoing projects' construction managers and the City

3. Submittals

- a. CONSULTANT shall use the online document tracking system to log and coordinate the submittal process.
- b. CONSULTANT shall receive the submittals, including CONTRACTOR's red-line drawings, from the CONTRACTOR and check the submittals for general conformity with the Construction Contract requirements. If obvious deficiencies are apparent in the submittal, the CONSULTANT shall reject and send the submittal back to the CONTRACTOR for correction.
- c. CONSULTANT shall route the submittals to the ENGINEER for review and shall route the reviewed submittal back to the CONTRACTOR. The CONSULTANT shall review comments on the submittals to determine if additional follow-up with the CONTRACTOR and/or ENGINEER is warranted and to identify any

- scope changes.
- d. CONSULTANT shall coordinate the ENGINEER's submittal review and track the status of shop drawing resubmittals with the CONTRACTOR.
 - e. In addition to the CONSULTANT, ENGINEER to review all design related submittals and all submittals for temporary facilities.
 - f. CONSULTANT shall review temporary facilities submittals for conflicts with other ongoing projects' active and/or proposed construction. The City may request CONSULTANT review other ongoing projects' temporary facilities submittals for constructability issues.
 - g. CONSULTANT shall review temporary facilities submittals for operability.
4. Request for Information/Clarification Process
- a. CONSULTANT shall utilize the online document tracking system for processing requests for design clarifications.
 - b. CONSULTANT shall receive all requests for information (RFIs) from the CONTRACTOR and determine if the request is a valid RFI;
 - i. If valid, ENGINEER will review the RFIs and provide design response. CONSULTANT shall review the ENGINEER's response, verify acceptability of response and transmit the Clarification Response to the CONTRACTOR.
 - ii. If not, CONSULTANT shall return the RFI to the CONTRACTOR with justifications.
 - c. CONSULTANT shall provide a response within 10 days to the CONTRACTOR for any administrative, field condition specific and general RFI.
 - d. ENGINEER shall prepare Design Clarifications where design issues are identified by the CONSULTANT, ENGINEER, or CITY. CONSULTANT shall prepare the Clarification Letter for transmittal to the CONTRACTOR of the ENGINEER's Design Clarification and other clarifications.
 - e. CONSULTANT shall work with the CITY Project Manager to maintain an Error and Omission Log to document RFIs and RFCs that are a result of ENGINEER and CONTRACTOR errors in design and construction, respectively. The log shall record the hours spent by the ENGINEER to respond to the RFIs/ RFCs and associated cost impact to the construction. CITY may seek reimbursement from the ENGINEER and/or CONTRACTOR.
5. Change Order Preparation, Negotiation & Processing
- a. CONSULTANT shall review all change order requests (either initiated by the CITY or by the CONTRACTOR).
 - i. CONSULTANT shall utilize the online document tracking system to log, track, and process changes.
 - ii. CONSULTANT shall maintain Change Event files. These files shall compile all data related to specific items that arise that may have cost or time impacts or neither.
 - b. CONSULTANT shall judge the validity and/or merits of all CONTRACTOR

- initiated change order requests. CONTRACTOR initiated change orders deemed unnecessary, or not substantiated by a deficiency in the construction documents shall be returned to CONTRACTOR unapproved with an explanation.
- c. CONSULTANT shall negotiate change orders with the CONTRACTOR, considering impact to the schedule, as well as, reasonableness of cost, and impact to total project budget. CONSULTANT shall provide updates regarding potential cost and schedule changes to CITY.
 - d. CONSULTANT shall prepare an independent cost estimate and/or verify the acceptability of the CONTRACTOR's cost proposal for each approved change request. At CITY's discretion, ENGINEER's opinion may be requested for specific equipment and material costs.
 - e. CONSULTANT shall prepare change orders using CITY's procedure for execution by the CITY and CONTRACTOR.
 - i. CONSULTANT shall prepare a Change Order Memorandum, if requested by the CITY, to provide additional background discussion for need of the change and reasonableness of cost and schedule impact.
 - ii. ENGINEER shall prepare design details for change requests as needed. CONSULTANT to coordinate schedule and distribution of design details.
 - iii. CONSULTANT shall prepare, and issue approved change order requests to the CONTRACTOR with the appropriate design documents as directed by the CITY.
 - f. In the event the CONTRACTOR encounters a time sensitive problem where time is not available to negotiate a settlement, CONSULTANT shall issue a field order.
 - i. All work done under a field order will be completed on a time and material basis. CONSULTANT to track actual time and material expended for the field order work.
 - ii. Field orders shall be reviewed and approved with the CITY prior to issuance.
6. Documentation of Environmental Compliance
- a. CONSULTANT shall document compliance with environmental permitting and mitigation measures in accordance with the requirements of the environmental documents and regulatory permits.
7. Progress Payment
- a. CONSULTANT shall review the initial schedule of values (cost breakdown) prepared by the CONTRACTOR and generate a progress payment request form for the CONTRACTOR's use.
 - b. CONSULTANT shall review and process the progress payment requests and determine whether the amount requested reflects the actual status of the Contractor's work in place, materials on site and other contract

- requirements.
- c. CONSULTANT shall perform the appropriate administration, preparation and processing of the monthly progress payments so the CITY can respond in accordance with the time periods set forth in the Public Contract Code.
 - d. CONSULTANT shall prepare the summary cover sheet for the progress payments which will be executed by CONSULTANT, CONTRACTOR and CITY.
 - e. CONSULTANT shall not recommend final payment to the CONTRACTOR until the CONSULTANT has determined CONTRACTOR has complied with the project closeout requirements, including submittals of record documents, warranties, and operations and maintenance manuals. CITY will release the retention only after a Notice of Completion has been recorded with the Santa Clara County Clerk's Recorder Office.
 - f. CONSULTANT shall work with Contractor to develop an estimate of CONSULTANT as well as contractor's anticipated monthly pay request (billing/invoicing) schedule for the entire duration of the construction phase.
8. CONTRACTOR's Certified Payroll
- a. On a bi-weekly basis, or when otherwise requested by the CITY, State, or other agency or public inquiry, the CONSULTANT shall collect certified payrolls from the CONTRACTOR. Apart from the regular, bi-weekly collection, the CONSULTANT shall obtain payroll records within 10 days of the CITY's request.
 - b. CONTRACTOR is responsible for submitting electronically their certified payroll records to the State Department of Industrial Relations.
 - c. CONSULTANT shall be responsible for documenting and conducting interviews of the CONTRACTOR's field staff/crew for compliance with CITY prevailing wage ordinance.
9. Schedule
- a. CONSULTANT shall review CONTRACTOR's initial Baseline schedule submittal to determine whether it is realistic and prepared in accordance with the Contract Documents, that the milestone and Substantial Completion dates meet the overall goal for schedule and that no major conflicts exist. The CONSULTANT shall advise CITY of the review determination and provide written comments to the CONTRACTOR.
 - b. CONSULTANT shall review the CONTRACTOR's schedule updates and provide written comments to the submitted update.
 - c. CONSULTANT shall review and evaluate the CONTRACTOR's requests for Contract Time extension and make written recommendations to the CITY regarding entitlement and the number of days, if any, to be added to the Contract Time(s). If requested by the CITY, CONSULTANT shall provide a written assessment of the time request. CONSULTANT shall negotiate schedule adjustments with the CONTRACTOR.
10. Field Quality Control (Inspectional Services)

- a. CONSULTANT shall provide field observation services to monitor compliance with the Contract Documents.
- i. CONSULTANT staff shall have sufficient training and experience regarding the specific construction activities being performed by CONTRACTOR.
- 1) CONSULTANT shall provide staff proportional as what is required to observe CONTRACTOR's activities.
 - 2) CONSULTANT shall submit inspection schedule showing inspection frequency, duration and level of efforts.
 - 3) CONSULTANT shall provide subconsultant(s) as needed to observe specialty work or increase staffing levels (see Special Inspections).
 - 4) CITY may set an allowance on a task order specific basis for the *increased cost only* of inspectional services if required during off hours and on weekends. Consultant to provide sufficient hours to cover all inspectional services anticipated at standard rates.
- b. Reporting
- i. CONSULTANT shall prepare daily inspection reports documenting observed field activities, field crews, CONTRACTOR equipment, and field problems. CONSULTANT shall collect and compile CONTRACTOR daily reports.
 - ii. CONSULTANT shall provide and maintain photographs of field activities for status monitoring of the project.
 - iii. CONSULTANT shall monitor record documents (redline drawings) on a bi- weekly basis to determine if they are being maintained by the CONTRACTOR and are in substantial conformance with the CONSULTANT's information/observations.
 - iv. CONSULTANT shall prepare a monthly report to include major work performed, outstanding issues, project photographs, schedule status, pending and executed change orders summary, and quality issues. This report shall also be part of CONSULTANT's monthly progress payment report.
- c. Special Inspections
- i. CONSULTANT shall furnish the materials testing and special inspections required to be performed for the Project. Special Inspection and materials testing includes, but not limited to:
- 1) Soils testing for HazMat compliance
 - 2) Soils compaction and relevant testing Asphalt compaction and relevant testing
 - 3) Concrete sampling and testing
 - 4) Structural steel welding

- 5) Coating inspection
 - 6) Medium voltage electrical installation inspection & testing
 - 7) Low voltage electrical installation inspection & testing
 - 8) Special inspections as listed in the project specific design drawings and specs.
 - 9) Factory inspection and witness test of Load Centers / Unit Substations prior to shipment.
 - ii. CONSULTANT shall schedule and coordinate the material testing services and have responsibility for the specialty inspections and testing services.
 - d. Medium Voltage Inspections
 - i. CONSULTANT shall notify City staff (for CPAU) at least one week in advance of CONTRACTOR scheduled medium voltage construction, including placement and orientation of medium voltage equipment, conduit trenching, utility clearances, and splices.
 - ii. Any field activities, including inspection, performed by CPAU is independent of the CONSULTANT's inspection work and shall be performed separately and in parallel.
11. System Outages
- a. CONSULTANT shall review and evaluate the CONTRACTOR's system outage requests (SOR) in conjunction with the CITY. CONSULTANT shall assess the reasonableness of the duration of the requested shutdown.
 - b. The SORs shall be reviewed and approved at least three weeks ahead of the actual outage/shutdown.
 - c. CONSULTANT shall facilitate/coordinate shutdowns with the CONTRACTOR, CITY and ENGINEER.
 - i. CITY is responsible for reviewing and approving system outage request and duration, confirming the outage is properly planned, implementing the outage, and bringing services back online after the outage.
12. Means and Methods of Construction
- a. CONSULTANT shall not direct the means and methods of construction. CONTRACTOR shall be solely responsible for the means and methods of construction. Concerns or suggestions regarding the CONTRACTOR's means and methods shall be communicated to CITY and ENGINEER.
13. Safety
- a. CONSULTANT shall comply with appropriate regulatory, project and CITY codes in addition to CONSULTANT's Health and Safety Plan regarding necessary safety equipment and procedures used during performance of the CONSULTANT's work and shall take necessary precautions for safe operation of the CONSULTANT's work, and the protection of the CONSULTANT's personnel from injury and damage from such work.

b. Neither the professional activities of the CONSULTANT, nor the presence of the CONSULTANT's employees or sub-consultants at the construction/project site, shall relieve the CONTRACTOR and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending, or coordinating their work in accordance with the Contract Documents, City codes, and any health or safety precautions required by pertinent regulatory agencies. CONSULTANT and its personnel have no authority to exercise any control over any CONTRACTOR or other entity or their employees in connection with their work or any health or safety precautions.

14. Spare Parts

- a. CONSULTANT shall prepare a list of required spare parts from the specifications and vendor O&M Manuals or recommended spare parts lists.
- b. CONSULTANT shall inventory spare parts as they are delivered by the CONTRACTOR and transfer spare parts to the CITY. The transfer of part shall be documented via material transmittal, signed by Contractor, CONSULTANT and CITY.

15. Operation and Maintenance (O&M) Manuals

- a. CONSULTANT shall prepare a list of anticipated O&M Manuals and track the submittal and review process in the online document tracking system.
- b. CONSULTANT shall verify that the submitted O&M manuals are the correct and latest version, and that the 'lessons learned' and notes taken during startup and commissioning are included in the O&M manuals. CONSULTANT shall coordinate delivery of final hardcopies from CONTRACT to CITY.

16. Testing and Training

- a. CONSULTANT shall coordinate training requirements and activities.
- b. ENGINEER shall provide design assistance during testing operations.
- c. CONSULTANT shall work with CONTRACTOR, ENGINEER and CITY on the development of the Testing and Startup Plan.
- d. CONSULTANT shall provide oversight and administration of training and testing.
- e. CONSULTANT shall coordinate the training with the CONTRACTOR, vendor and CITY staff. Some equipment may need training for third party personnel with whom the CITY may be contracting with. CITY will provide the vendor contact information for CONSULTANT to coordinate with. Trainings shall be coordinated so that key CITY staff can attend; schedule shall accommodate key CITY staff/ Plant operations shifts. Multiple training sessions for day shift and night shift operators may be required.
- f. CONSULTANT shall observe start-up and testing as the CITY's representative and maintain copies of start-up documentation in an organized binder that shall be turned over at the end of the project.

- g. CONSULTANT shall attend training sessions and collect attendance sheets and copies of training material.
 - h. If required by CITY, CONSULTANT shall coordinate production quality audio and video recording and editing of training sessions to be used for future training sessions. The final digital copy shall be labeled and have an introduction that indicates the type of training, the process area, the equipment name, the vendor(s) / manufacturer(s) if applicable, the date, and the CONTRACTOR.
 - i. Refer CITY's Demonstration and Training Standards for more details.
 - j. Corrective Work Item List: The CONSULTANT shall prepare and maintain a Corrective Work Item list (CWL) with the input from the CITY and ENGINEER.
 - k. CONSULTANT shall confirm that the items identified in the CWL are completed in preparation for issuance of Substantial Completion Certificate (SCC).
 - l. CONSULTANT shall prepare the SCC for execution by the CITY and the CONTRACTOR when the Corrective Work Items are completed to the CITY's, ENGINEER's and The CONSULTANT's satisfaction.
17. Corrective Work Item List
- a. The CONSULTANT shall prepare and maintain a Corrective Work Item list (CWL) with the input from the CITY and ENGINEER.
 - b. CONSULTANT shall confirm that the items identified in the CWL are completed in preparation for issuance of Substantial Completion Certificate (SCC).
 - c. CONSULTANT shall prepare the SCC for execution by the CITY and the CONTRACTOR when the Corrective Work Items are completed to the CITY's, ENGINEER's and The CONSULTANT's satisfaction.

E. Task 5: Project Closeout Phase

- 1. Punch List and Final Inspection
 - a. Punch List
 - i. CONSULTANT shall in conjunction with the CITY prepare the list of outstanding deficiencies.
 - ii. CONSULTANT shall prepare and issue the Punch List(s) from the list of deficiencies.
 - iii. CONSULTANT shall have primary responsibility for verifying that the Punch List work is complete.
 - b. Final Inspection
 - i. CONSULTANT shall have primary responsibility for conducting the final inspection.
 - 1) CITY will participate and provide input on the final inspection.
 - 2) ENGINEER will provide design input on final inspection items if determined necessary by the CITY.
 - 3) CONSULTANT shall be responsible for oversight and review of the final inspection.
- 2. Warranty Coordination
 - a. CONSULTANT shall maintain a warranty file in the online document tracking

system. All warranty documentation shall be handed off to the CITY at conclusion of the contract.

3. Project Closeout

- a. CONTRACTOR shall furnish record documents, which the CONSULTANT shall review and transmit to ENGINEER for conforming and final issuance to CITY.
- b. CONSULTANT shall prepare necessary CITY documentation recommending acceptance of the completed work by the CITY.
- c. CONSULTANT shall turnover project documentation to the CITY in an orderly manner and in a timely manner after completion of the project and all Punch-list activities. The CONSULTANT shall retain all change event files at the end of the project. The CITY shall have the right to request review and/or copies of the change events files.

Work Order No. 2: Milestone Schedule Of Performance

TASK #	MILESTONES	NUMBER OF WEEKS TO COMPLETION FROM WORK ORDER #1 NOTICE TO PROCEED (NTP)
Task 1	General Requirements	125 Weeks
Task 2	Pre-Construction	13 Weeks
Task 3	SRF Compliance	N/A
Task 4	Construction Phase	113Weeks
Task 5	Project Closeout	125 Weeks

Work Order No. 2: Milestone Compensation Schedule

TASK #	MILESTONES	NOT TO EXCEED AMOUNT
Task 1	General Requirements	\$17,685
Task 2	Pre-Construction	\$8,240
Task 3	SRF Compliance	\$0
Task 4	Construction Phase	\$459,050
Task 5	Project Closeout	\$14,340
	Inspection Allowance	\$50,000
Sub-total Basic Services		\$549,315
Reimbursable Expenses		\$0
Total Basic Services and Reimbursable Expenses		\$549,315
Additional Services (per Section 4) (Not to Exceed)		\$54,932
Maximum Total Compensation		\$604,247

EXHIBIT "B"
SCHEDULE OF PERFORMANCE

Optional Schedule of Performance Provision for On-Call or Additional Services Agreements.
(This provision only applies if checked and only applies to on-call agreements per Section 1 or agreements with Additional Services per Section 4.)

The schedule of performance shall be as provided in the approved Task Order, as detailed in Section 1 (Scope of Services) in the case of on-call Services, or as detailed in Section 4 in the case of Additional Services, provided in all cases that the schedule of performance shall fall within the term as provided in Section 2 (Term) of this Agreement.

WORK ORDER #2

Tasks 1-5 completed within 125 Weeks from the Notice to Proceed for Work Order 2, as detailed in the Milestone Schedule of Performance attached to Work Order #2.

EXHIBIT "C" COMPENSATION

CITY agrees to compensate CONSULTANT for on-call, as-needed, time-limited project support services performed in accordance with the terms and conditions of this Agreement, and as set forth in a specific Task Order budget schedule. Compensation shall be calculated based on the rate schedule attached as Exhibit C-1 up to the not to exceed budget amount for each task set forth in a specific Task Order.

CITY's Project Manager may approve in writing the transfer of budget amounts between any of the tasks or categories within a specific Task Order, provided that the total compensation for the Services, including any specified reimbursable expenses, and the total compensation for Additional Services (if any, per Section 4 of the Agreement) do not exceed the amounts set forth in Section 4 of this Agreement.

CONSULTANT agrees to complete all Services, any specified reimbursable expenses, and Additional Services (if any, per Section 4), within this/these amount(s). Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth in this Agreement shall be at no cost to the CITY.

REIMBURSABLE EXPENSES

CONSULTANT'S ordinary business expenses, such as administrative, overhead, administrative support time/overtime, information systems, software and hardware, photocopying, telecommunications (telephone, internet), in-house printing, insurance and other ordinary business expenses, are included within the scope of payment for Services and are not reimbursable expenses hereunder.

Reimbursable expenses, if any are specified as reimbursable under this section, will be reimbursed at actual cost. The expenses (by type, e.g. travel) for which CONSULTANT will be reimbursed are: NONE up to the not-to-exceed amount of \$0.00.

WORK ORDER #2

Compensation as detailed in the Milestone Compensation Schedule attached to Work Order #2., Not to Exceed:

Total Basic Services and Reimbursable Expenses	\$549,315
Additional Services (per Section 4) (Not to Exceed)	\$54,932
Maximum Total Compensation	\$604,247

Attachment B - Bid Summary**12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1
Invitation for Bids (IFB) Number: 185744**

BIDDER	Price	REMARKS	% Over
Anderson Pacific Engineering Construction	\$ 6,070,000	Low Bidder	76.45%
Pacific Industrial Electric	\$ 7,309,475		112.48%
Stronghold Engineering Inc.	\$ 7,601,819		120.98%
Engineer's estimate	\$ 3,440,000		0.00%



UTILITIES DEPARTMENT
Electric Operations

CITY OF
**PALO
ALTO**

3201 E. Bayshore Road
Palo Alto, CA 94303
650.496.6934

Jesse Jimenez
Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA95821

September 29, 2022

Mr. Jesse Jimenez:

I have reviewed the information presented by the Foundation for Fair Contracting (FFC) regarding its request to reject the bid from Anderson Pacific Engineering Construction, Inc, (AP) for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Package 1. My determination is that AP should be determined to be a responsible bidder and the bid be accepted.

My background for reviewing the request to reject this bid is as follows: I am currently the Assistant Director of Electric Engineering and Operations in the Utility Department at Palo Alto, I have over 20 years of experience in public works construction and project delivery and I am not a member of the team involved in preparing or awarding this project.

The purpose of my review was to determine if AP was a responsible bidder. In order to make this determination I reviewed the California Public Contracts Code section 1103. "Responsible bidder, as used in this part, means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract."

The FFC submitted a bid advisory letter which included the following allegations regarding APs conduct on previous contracts:

- AP has had numerous infractions/violations related to the prevailing wage laws resulting in wage theft and non-compliance with apprenticeship laws.
- Failure to comply with workforce development and apprenticeship programs.
- OSHA fines issued and upheld.

To evaluate whether AP was a responsible bidder, I first determined that AP has an active contractors license on file with California State Licensing Board, 245215 expiring 7/31/2024, and is registered with California Department of Industrial Relations, 1000000061 expiring 6/30/2025.



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After confirming their licensing and registration, I evaluated the allegations in the bid advisory based on the information provided by FFC and AP. In the first and second allegation the FFC only provided one example of public complaint against AP. The complaint was filed on February 7, 2022 with the Labor Commissioner for the State of California. This Labor Commissioner assigned the case on April 1, 2022. The FFC did not provide any documents on the final disposition of this matter and it appears the matter is under investigation and has not been resolved. Based on the evidence presented, it does not appear that there are any documented decisions that AP engaged in numerous infractions or violations of prevailing wage laws or failed to comply with workforce and development and apprenticeship programs.

On the advisory related to OSHA, AP had OSHA fines in 2016 related to three infractions totaling \$3,840. This is the only OSHA case that has been resolved. There were two additional cases pending review by OSHA, one occurred in 2019 and a second in 2022. These cases are being disputed by AP and remain open and awaiting final determination by OSHA. A single case where a fine was levied for infractions against an employer is not unusual and would not be deemed an indication that contractor was not a responsible bidder.

Thank you for bringing these issues to our attention and allowing us to review whether AP was a responsible bidder.



Tom Marshall

Assistant Director of Electric Engineering and Operations

Cc:

Peter Anderson, President, Anderson Pacific Engineering Construction pea@andpac.com

Nanette O'Brien, Contract Administrator, City of Palo Alto nanette.obrien@cityofpaloalto.org

Padmakar Chaobal, Senior Engineer, PWD/ESD, City of Palo Alto padmakar.chaobal@cityofpaloalto.org

Caio Arellano, Assistant City Attorney, City of Palo Alto caio.arellano@cityofpaloalto.org



CITY OF
**PALO
ALTO**

CONSTRUCTION CONTRACT

Contract No. C23185744

City of Palo Alto

**12kV Electrical Power Distribution Loop Rehabilitation Bid
Package 1 Project**

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CONSTRUCTION CONTRACT

THIS CONSTRUCTION CONTRACT entered into on November 14, 2022 (“Execution Date”) by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“City”), and ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. (“Contractor”), is made with reference to the following:

RECITALS:

A. City is a municipal corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California and the Charter of City.

B. Contractor is a corporation duly organized and in good standing in the State of California, Contractor’s License Number 245215 and Department of Industrial Relations Registration Number 1000000061. Contractor represents that it is duly licensed by the State of California and has the background, knowledge, experience and expertise to perform the obligations set forth in this Construction Contract.

C. On July 12, 2022, City issued an Invitation for Bids (IFB) to contractors for the 12kV Electrical Power Distribution Loop Rehabilitation Bid Pkg 1 (“Project”). In response to the IFB, Contractor submitted a Bid.

D. City and Contractor desire to enter into this Construction Contract for the Project, and other services as identified in the Contract Documents for the Project upon the following terms and conditions.

NOW THEREFORE, in consideration of the mutual promises and undertakings hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed by and between the undersigned parties as follows:

SECTION 1 INCORPORATION OF RECITALS AND DEFINITIONS.

1.1 Recitals.

All of the recitals are substantive parts of this Construction Contract and are hereby incorporated herein by reference.

1.2 Definitions.

Capitalized terms shall have the meanings set forth in this Construction Contract (sometimes referred to herein as the “Contract”) and/or in the General Conditions. If there is a conflict between the definitions in this Construction Contract and in the General Conditions, the definitions in this Construction Contract shall prevail.

SECTION 2 THE PROJECT.

The Project is the 12kV Electrical Power Distribution Loop Rehabilitation Bid Pkg 1 Project, located at 2501 Embarcadero Way, Palo Alto, CA. 94303 (“Project”).

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SECTION 3 THE CONTRACT DOCUMENTS.

3.1 List of Documents.

The Contract Documents (sometimes collectively referred to as “Agreement” or “Bid Documents”) consist of the following documents which are on file with the Purchasing Division and are hereby incorporated into this Construction Contract by reference.

- 1) Change Orders
- 2) Field Orders
- 3) Construction Contract
- 4) Bidding Addenda
- 5) Special Provisions
- 6) General Conditions
- 7) Project Plans and Drawings
- 8) Technical Specifications
- 9) Instructions to Bidders
- 10) Invitation for Bids
- 11) Contractor's Bid/Non-Collusion Declaration
- 12) Reports listed in the Contract Documents
- 13) Public Works Department’s Standard Drawings and Specifications (most current version at time of Bid)
- 14) Utilities Department’s Water, Gas, Wastewater, Electric Utilities Standards (most current version at time of Bid)
- 15) City of Palo Alto Traffic Control Requirements
- 16) City of Palo Alto Truck Route Map and Regulations
- 17) Notice Inviting Pre-Qualification Statements, Pre-Qualification Statement, and Pre-Qualification Checklist (if applicable)
- 18) Performance and Payment Bonds

3.2 Order of Precedence.

For the purposes of construing, interpreting and resolving inconsistencies between and among the provisions of this Contract, the Contract Documents shall have the order of precedence as set forth in the preceding section. If a claimed inconsistency cannot be resolved through the order of precedence, the City shall have the sole power to decide which document or provision shall govern as may be in the best interests of the City.

SECTION 4 CONTRACTOR’S DUTY.

4.1 Contractor’s Duties

Contractor agrees to perform all of the Work required for the Project, as specified in the Contract Documents, all of which are fully incorporated herein. Contractor shall provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including, but not limited to, provision of all necessary labor, materials, equipment, transportation, and utilities, unless otherwise specified in the Contract Documents. Contractor also agrees to use its best efforts to complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.

SECTION 5 PROJECT TEAM.

5.1 Contractor’s Co-operation.

In addition to Contractor, City has retained, or may retain, consultants and contractors to provide professional and technical consultation for the design and construction of the Project. The Contract requires that Contractor operate efficiently, effectively and cooperatively with City as well as all other members of the Project Team and other contractors retained by City to construct other portions of the Project.

SECTION 6 TIME OF COMPLETION.

6.1 Time Is of Essence.

Time is of the essence with respect to all time limits set forth in the Contract Documents.

6.2 Commencement of Work.

Contractor shall commence the Work on the date specified in City’s Notice to Proceed.

6.3 Contract Time.

Work hereunder shall begin on the date specified on the City’s Notice to Proceed and shall be completed

- not later than December 31, 2024.
- within _____ calendar days () after the commencement date specified in City’s Notice to Proceed.

By executing this Construction Contract, Contractor expressly waives any claim for delayed early completion.

6.4 Liquidated Damages.

Pursuant to Public Contract Code Section 7203, if Contractor fails to achieve Final Completion of the entire Work within the Contract Time, including any approved extensions thereto, City may assess liquidated damages on a daily basis for each day of Unexcused Delay in achieving Final Completion, based on the amount of Five Thousand Six Hundred Eighteen Dollars (\$5,618) per day, or as otherwise specified in the Special Provisions. Liquidated damages may also be separately assessed for failure to meet milestones specified elsewhere in the Contract Documents, regardless of impact on the time for achieving Final Completion. The assessment of liquidated damages is not a penalty but considered to be a reasonable estimate of the amount of damages City will suffer by delay in completion of the Work. The City is entitled to setoff the amount of liquidated damages assessed against any payments otherwise due to Contractor, including, but not limited to, setoff against release of retention. If the total amount of liquidated damages assessed exceeds the amount of unreleased retention, City is entitled to recover the balance from Contractor or its sureties. Occupancy or use of the Project in whole or in part prior to Final Completion, shall not operate as a waiver of City’s right to assess liquidated damages.

6.4.1 Other Remedies. City is entitled to any and all available legal and equitable remedies City may have where City’s Losses are caused by any reason other than Contractor’s failure to achieve Substantial Completion of the entire Work within the Contract Time.

6.5 Adjustments to Contract Time.

The Contract Time may only be adjusted for time extensions approved by City and memorialized in a Change Order approved in accordance with the requirements of the Contract Documents.

SECTION 7 COMPENSATION TO CONTRACTOR.

7.1 Contract Sum.

Contractor shall be compensated for satisfactory completion of the Work in compliance with the Contract Documents the Contract Sum of **Six Million Seventy Thousand Dollars (\$6,070,000.00)**.

[This amount includes the Base Bid and Additive Alternates .]

7.2 Full Compensation.

The Contract Sum shall be full compensation to Contractor for all Work provided by Contractor and, except as otherwise expressly permitted by the terms of the Contract Documents, shall cover all Losses arising out of the nature of the Work or from the acts of the elements or any unforeseen difficulties or obstructions which may arise or be encountered in performance of the Work until its Acceptance by City, all risks connected with the Work, and any and all expenses incurred due to suspension or discontinuance of the Work, except as expressly provided herein. The Contract Sum may only be adjusted for Change Orders approved in accordance with the requirements of the Contract Documents.

SECTION 8 STANDARD OF CARE.

8.1 Standard of Care.

Contractor agrees that the Work shall be performed by qualified, experienced and well-supervised personnel. All services performed in connection with this Construction Contract shall be performed in a manner consistent with the standard of care under California law applicable to those who specialize in providing such services for projects of the type, scope and complexity of the Project.

SECTION 9 INDEMNIFICATION.

9.1 Hold Harmless.

To the fullest extent allowed by law, Contractor will defend, indemnify, and hold harmless City, its City Council, boards and commissions, officers, agents, employees, representatives and volunteers (hereinafter individually referred to as an "Indemnitee" and collectively referred to as "Indemnitees"), through legal counsel acceptable to City, from and against any and liability, loss, damage, claims, expenses (including, without limitation, attorney fees, expert witness fees, paralegal fees, and fees and costs of litigation or arbitration) (collectively, "Liability") of every nature arising out of or in connection with the acts or omissions of Contractor, its employees, Subcontractors, representatives, or agents, in performing the Work or its failure to comply with any of its obligations under the Contract, except such Liability caused by the active negligence, sole negligence, or willful misconduct of an Indemnitee. Contractor shall pay City for any costs City incurs to enforce this provision. Except as provided in Section 9.2 below, nothing in the Contract Documents shall be construed to give rise to any implied right of indemnity in favor of Contractor against City or any other Indemnitee.

Pursuant to Public Contract Code Section 9201, City shall timely notify Contractor upon receipt of any third-party claim relating to the Contract.

9.2 Survival.

The provisions of Section 9 shall survive the termination or expiration of this Construction Contract.

SECTION 10 NON-DISCRIMINATION.

10.1 Municipal Code Requirement.

As set forth in Palo Alto Municipal Code section 2.30.510, Contractor certifies that in the performance of this Agreement, it shall not discriminate in the employment of any person due to the race, skin color, gender, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, pregnancy, genetic information or condition, housing status, marital status, familial status, weight or height of such person. Contractor acknowledges that it has read and understands the provisions of Section 2.30.510 of the Palo Alto Municipal Code relating to Nondiscrimination Requirements, and the penalties for violation thereof, and will comply with all requirements of Section 2.30.510 pertaining to nondiscrimination in employment.

SECTION 11 INSURANCE AND BONDS.

11.1 Evidence of coverage.

Within ten (10) business days following issuance of the Notice of Award, Contractor shall provide City with evidence that it has obtained insurance and shall submit Performance and Payment Bonds satisfying all requirements in Article 11 of the General Conditions.

SECTION 12 PROHIBITION AGAINST TRANSFERS.

12.1 Assignment.

City is entering into this Construction Contract in reliance upon the stated experience and qualifications of the Contractor and its Subcontractors set forth in Contractor's Bid. Accordingly, Contractor shall not assign, hypothecate or transfer this Construction Contract or any interest therein directly or indirectly, by operation of law or otherwise without the prior written consent of City. Any assignment, hypothecation or transfer without said consent shall be null and void, and shall be deemed a substantial breach of contract and grounds for default in addition to any other legal or equitable remedy available to the City.

12.2 Assignment by Law.

The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Contractor or of any general partner or joint venturer or syndicate member of Contractor, if the Contractor is a partnership or joint venture or syndicate or co-tenancy shall result in changing the control of Contractor, shall be construed as an assignment of this Construction Contract. Control means more than fifty percent (50%) of the voting power of the corporation or other entity.

SECTION 13 NOTICES.

13.1 Method of Notice.

All notices, demands, requests or approvals to be given under this Construction Contract shall be given in writing and shall be deemed served on the earlier of the following:

- (i) On the date delivered if delivered personally;
- (ii) On the third business day after the deposit thereof in the United States mail, postage prepaid, and addressed as hereinafter provided;
- (iii) On the date sent if sent by facsimile transmission;
- (iv) On the date sent if delivered by electronic mail; or
- (v) On the date it is accepted or rejected if sent by certified mail.

13.2 Notice to Recipients.

All notices, demands or requests (including, without limitation, Change Order Requests and Claims) from Contractor to City shall include the Project name and the number of this Construction Contract and shall be addressed to City at:

To City: City of Palo Alto
City Clerk
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303

Copy to: City of Palo Alto
Public Works Administration
2501 Embarcadero Way
Palo Alto, CA 94303
Attn: Padmakar Chaobal

[Include Construction Manager, If Applicable.]

Carollo Engineers
2795 Mitchell Drive
Walnut Creek, CA 94598
Attn: Rick Chan, PE
Email: rchan@carollo.com

In addition, copies of all Claims by Contractor under this Construction Contract shall be provided to the following:

Palo Alto City Attorney's Office
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, California 94303

All Claims shall be sent by registered mail or certified mail with return receipt requested.

All notices, demands, requests or approvals from City to Contractor shall be addressed to Contractor at:

To Contractor:
Anderson Pacific Engineering Construction, Inc.
1370 Norman Avenue
Santa Clara, CA 95054
Attn: Peter E. Anderson
Email: pea@andpac.com

13.3 Change of Address.

In advance of any change of address, Contractor shall notify City of the change of address in writing. Each party may, by written notice only, add, delete or replace any individuals to whom and addresses to which notice shall be provided.

SECTION 14 DEFAULT.**14.1 Notice of Default.**

In the event that City determines, in its sole discretion, that Contractor has failed or refused to perform any of the obligations set forth in the Contract Documents, or is in breach of any provision of the Contract Documents, City may give written notice of default to Contractor in the manner specified for the giving of notices in the Construction Contract, with a copy to Contractor's performance bond surety.

14.2 Opportunity to Cure Default.

Except for emergencies, Contractor shall cure any default in performance of its obligations under the Contract Documents within two (2) Days (or such shorter time as City may reasonably require) after receipt of written notice. However, if the breach cannot be reasonably cured within such time, Contractor will commence to cure the breach within two (2) Days (or such shorter time as City may reasonably require) and will diligently and continuously prosecute such cure to completion within a reasonable time, which shall in no event be later than ten (10) Days after receipt of such written notice.

SECTION 15 CITY'S RIGHTS AND REMEDIES.**15.1 Remedies Upon Default.**

If Contractor fails to cure any default of this Construction Contract within the time period set forth above in Section 14, then City may pursue any remedies available under law or equity, including, without limitation, the following:

15.1.1 Delete Certain Services. City may, without terminating the Construction Contract, delete certain portions of the Work, reserving to itself all rights to Losses related thereto.

15.1.2 Perform and Withhold. City may, without terminating the Construction Contract, engage others to perform the Work or portion of the Work that has not been adequately performed by Contractor and withhold the cost thereof to City from future payments to Contractor, reserving to itself all rights to Losses related thereto.

15.1.3 Suspend the Construction Contract. City may, without terminating the Construction Contract and reserving to itself all rights to Losses related thereto, suspend all or any portion of this Construction Contract for as long a period of time as City determines, in its sole discretion, appropriate, in which event City shall have no obligation to adjust the Contract Sum or Contract Time, and shall have no liability to Contractor for damages if City directs Contractor to resume Work.

15.1.4 Terminate the Construction Contract for Default. City shall have the right to terminate this Construction Contract, in whole or in part, upon the failure of Contractor to promptly cure any default as required by Section 14. City's election to terminate the Construction Contract for default shall be communicated by giving Contractor a written notice of termination in the manner specified for the giving of notices in the Construction Contract. Any notice of termination given to Contractor by City shall be effective immediately, unless otherwise provided therein.

15.1.5 Invoke the Performance Bond. City may, with or without terminating the Construction Contract and reserving to itself all rights to Losses related thereto, exercise its rights under the Performance Bond.

15.1.6 Additional Provisions. All of City's rights and remedies under this Construction Contract are cumulative, and shall be in addition to those rights and remedies available in law or in equity. Designation in the Contract Documents of certain breaches as material shall not waive the City's authority to designate other breaches as material nor limit City's right to terminate the Construction Contract, or prevent the City from terminating the Agreement for breaches that are not material. City's determination of whether there has been noncompliance with the Construction Contract so as to warrant exercise by City of its rights and remedies for default under the Construction Contract, shall be binding on all parties. No termination or action taken by City after such termination shall prejudice any other rights or remedies of City provided by law or equity or by the Contract Documents upon such termination; and City may proceed against Contractor to recover all liquidated damages and Losses suffered by City.

15.2 Delays by Sureties.

Time being of the essence in the performance of the Work, if Contractor's surety fails to arrange for completion of the Work in accordance with the Performance Bond, within seven (7) calendar days from the date of the notice of termination, Contractor's surety shall be deemed to have waived its right to complete the Work under the Contract, and City may immediately make arrangements for the completion of the Work through use of its own forces, by hiring a replacement contractor, or by any other means that City determines advisable under the circumstances. Contractor and its surety shall be jointly and severally liable for any additional cost incurred by City to complete the Work following termination. In addition, City shall have the right to use any materials, supplies, and equipment belonging to Contractor and located at the Worksite for the purposes of completing the remaining Work.

15.3 Damages to City.

15.3.1 For Contractor's Default. City will be entitled to recovery of all Losses under law or equity in the event of Contractor's default under the Contract Documents.

15.3.2 Compensation for Losses. In the event that City's Losses arise from Contractor's default under the Contract Documents, City shall be entitled to deduct the cost of such Losses from monies otherwise payable to Contractor. If the Losses incurred by City exceed the amount payable, Contractor shall be liable to City for the difference and shall promptly remit same to City.

15.4 Suspension by City

15.4.1 Suspension for Convenience. City may, at any time and from time to time, without cause, order Contractor, in writing, to suspend, delay, or interrupt the Work in whole or in part for such period of time, up to an aggregate of fifty percent (50%) of the Contract Time. The order shall be specifically identified as a Suspension Order by City. Upon receipt of a Suspension Order, Contractor shall, at City's expense, comply with the order and take all reasonable steps to minimize costs allocable to the Work covered by the Suspension Order. During the Suspension or extension of the Suspension, if any, City shall either cancel the Suspension Order or, by Change Order, delete the Work covered by the Suspension Order. If a Suspension Order is canceled or expires, Contractor shall resume and continue with the Work. A Change Order will be issued to cover any adjustments of the Contract Sum or the Contract Time necessarily caused by such suspension. A Suspension Order shall not be the exclusive method for City to stop the Work.

15.4.2 Suspension for Cause. In addition to all other remedies available to City, if Contractor fails to perform or correct work in accordance with the Contract Documents, City may immediately order the Work, or any portion thereof, suspended until the cause for the suspension has been eliminated to City's satisfaction. Contractor shall not be entitled to an increase in Contract Time or Contract Price for a suspension occasioned by Contractor's failure to comply with the Contract Documents. City's right to suspend the Work shall not give rise to a duty to suspend the Work, and City's failure to suspend the Work shall not constitute a defense to Contractor's failure to comply with the requirements of the Contract Documents.

15.5 Termination Without Cause.

City may, at its sole discretion and without cause, terminate this Construction Contract in part or in whole upon written notice to Contractor. Upon receipt of such notice, Contractor shall, at City's expense, comply with the notice and take all reasonable steps to minimize costs to close out and demobilize. The compensation allowed under this Paragraph 15.5 shall be the Contractor's sole and exclusive compensation for such termination and Contractor waives any claim for other compensation or Losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect or incidental damages of any kind resulting from termination without cause. Termination pursuant to this provision does not relieve Contractor or its sureties from any of their obligations for Losses arising from or related to the Work performed by Contractor.

15.5.1 Compensation. Following such termination and within forty-five (45) Days after receipt of a billing from Contractor seeking payment of sums authorized by this Paragraph 15.5.1, City shall pay the following to Contractor as Contractor's sole compensation for performance of the Work:

- .1 For Work Performed.** The amount of the Contract Sum allocable to the portion of the Work properly performed by Contractor as of the date of termination, less sums previously paid to Contractor.
- .2 For Close-out Costs.** Reasonable costs of Contractor and its Subcontractors:
 - (i) Demobilizing and
 - (ii) Administering the close-out of its participation in the Project (including, without limitation, all billing and accounting functions, not including attorney or expert fees) for a period of no longer than thirty (30) Days after receipt of the notice of termination.
- .3 For Fabricated Items.** Previously unpaid cost of any items delivered to the Project Site which were fabricated for subsequent incorporation in the Work.
- .4 Profit Allowance.** An allowance for profit calculated as four percent (4%) of the sum of the above items, provided Contractor can prove a likelihood that it would have made a profit if the Construction Contract had not been terminated.

15.5.2 Subcontractors. Contractor shall include provisions in all of its subcontracts, purchase orders and other contracts permitting termination for convenience by Contractor on terms that are consistent with this Construction Contract and that afford no greater rights of recovery against Contractor than are afforded to Contractor against City under this Section.

15.6 Contractor's Duties Upon Termination.

Upon receipt of a notice of termination for default or for convenience, Contractor shall, unless the notice directs otherwise, do the following:

- (i) Immediately discontinue the Work to the extent specified in the notice;
- (ii) Place no further orders or subcontracts for materials, equipment, services or facilities, except as may be necessary for completion of such portion of the Work that is not discontinued;
- (iii) Provide to City a description in writing, no later than fifteen (15) days after receipt of the notice of termination, of all subcontracts, purchase orders and contracts that are outstanding, including, without limitation, the terms of the original price, any changes, payments, balance owing, the status of the portion of the Work covered and a copy of the subcontract, purchase order or contract and any written changes, amendments or modifications thereto, together with such other information as City may determine necessary in order to decide whether to accept assignment of or request Contractor to terminate the subcontract, purchase order or contract;
- (iv) Promptly assign to City those subcontracts, purchase orders or contracts, or portions thereof, that City elects to accept by assignment and cancel, on the most favorable terms reasonably possible, all

- subcontracts, purchase orders or contracts, or portions thereof, that City does not elect to accept by assignment; and
- (v) Thereafter do only such Work as may be necessary to preserve and protect Work already in progress and to protect materials, plants, and equipment on the Project Site or in transit thereto.

Upon termination, whether for cause or for convenience, the provisions of the Contract Documents remain in effect as to any Claim, indemnity obligation, warranties, guarantees, submittals of as-built drawings, instructions, or manuals, or other such rights and obligations arising prior to the termination date.

SECTION 16 CONTRACTOR'S RIGHTS AND REMEDIES.

16.1 Contractor's Remedies.

Contractor may terminate this Construction Contract only upon the occurrence of one of the following:

16.1.1 For Work Stoppage. The Work is stopped for sixty (60) consecutive Days, through no act or fault of Contractor, any Subcontractor, or any employee or agent of Contractor or any Subcontractor, due to issuance of an order of a court or other public authority other than City having jurisdiction or due to an act of government, such as a declaration of a national emergency making material unavailable. This provision shall not apply to any work stoppage resulting from the City's issuance of a suspension notice issued either for cause or for convenience.

16.1.2 For City's Non-Payment. If City does not pay Contractor undisputed sums within ninety (90) Days after receipt of notice from Contractor, Contractor may terminate the Construction Contract (30) days following a second notice to City of Contractor's intention to terminate the Construction Contract.

16.2 Damages to Contractor.

In the event of termination for cause by Contractor, City shall pay Contractor the sums provided for in Paragraph 15.5.1 above. Contractor agrees to accept such sums as its sole and exclusive compensation and agrees to waive any claim for other compensation or Losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect and incidental damages, of any kind.

SECTION 17 ACCOUNTING RECORDS.

17.1 Financial Management and City Access.

Contractor shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management under this Construction Contract in accordance with generally accepted accounting principles and practices. City and City's accountants during normal business hours, may inspect, audit and copy Contractor's records, books, estimates, take-offs, cost reports, ledgers, schedules, correspondence, instructions, drawings, receipts, subcontracts, purchase orders, vouchers, memoranda and other data relating to this Project. Contractor shall retain these documents for a period of three (3) years after the later of (i) Final Payment or (ii) final resolution of all Contract Disputes and other disputes, or (iii) for such longer period as may be required by law.

17.2 Compliance with City Requests.

Contractor's compliance with any request by City pursuant to this Section 17 shall be a condition precedent to filing or maintenance of any legal action or proceeding by Contractor against City and to Contractor's right to receive further payments under the Contract Documents. City may enforce Contractor's obligation to provide access to City of its business and other records referred to in Section 17.1 for inspection or copying by issuance of a writ or a provisional or permanent mandatory injunction by a court of competent jurisdiction based on affidavits submitted to such court, without the necessity of oral testimony.

SECTION 18 INDEPENDENT PARTIES.**18.1 Status of parties.**

Each party is acting in its independent capacity and not as agents, employees, partners, or joint venturers of the other party. City, its officers or employees shall have no control over the conduct of Contractor or its respective agents, employees, subconsultants, or subcontractors, except as herein set forth.

SECTION 19 NUISANCE.**19.1 Nuisance Prohibited.**

Contractor shall not maintain, commit, nor permit the maintenance or commission of any nuisance in connection in the performance of services under this Construction Contract.

SECTION 20 PERMITS AND LICENSES.

Except as otherwise provided in the Special Provisions and Technical Specifications, the Contractor shall provide, procure and pay for all licenses, permits, and fees, required by the City or other government jurisdictions or agencies necessary to carry out and complete the Work. Payment of all costs and expenses for such licenses, permits, and fees shall be included in one or more Bid items. No other compensation shall be paid to the Contractor for these items or for delays caused by non-City inspectors or conditions set forth in the licenses or permits issued by other agencies.

SECTION 21 WAIVER.

A waiver by either party of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein, whether of the same or a different character.

SECTION 22 GOVERNING LAW AND VENUE; COMPLIANCE WITH LAWS.**22.1 Governing Law and Venue.**

This Construction Contract shall be construed in accordance with and governed by the laws of the State of California, without regard to conflict of law provisions, and venue shall be in a court of competent jurisdiction in the County of Santa Clara, California and no other place.

22.2 Compliance with Laws.

Contractor shall comply with all applicable federal and California laws and city laws, including, without limitation, ordinances and resolutions, in the performance of work under this Construction Contract.

22.2.1 Palo Alto Minimum Wage Ordinance. Contractor shall comply with all requirements of the Palo Alto Municipal Code Chapter 4.62 (Citywide Minimum Wage), as amended from time to time. In particular, for any employee otherwise entitled to the State minimum wage, who performs at least two (2) hours of work in a calendar week within the geographic boundaries of the City, Contractor shall pay such employees no less than the minimum wage set forth in Palo Alto Municipal Code section 4.62.030 for each hour worked within the geographic boundaries of the City of Palo Alto. In addition, Contractor shall post notices regarding the Palo Alto Minimum Wage Ordinance in accordance with Palo Alto Municipal Code section 4.62.060.

SECTION 23 COMPLETE AGREEMENT.**23.1 Integration.**

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and contracts, either written or oral. This Agreement may be amended only by a written instrument, which is signed by the parties.

SECTION 24 SURVIVAL OF CONTRACT.**24.1 Survival of Provisions.**

The provisions of the Construction Contract which by their nature survive termination or expiration of the Construction Contract or Final Completion, including, without limitation, all warranties, indemnities, payment obligations, and City's right to audit Contractor's books and records, shall remain in full force and effect after Final Completion or any termination or expiration of the Construction Contract.

SECTION 25 PREVAILING WAGES.

This Project is not subject to prevailing wages and related requirements. Contractor is not required to pay prevailing wages and meet related requirements under the California Labor Code and California Code of Regulations in the performance and implementation of the Project if the Contract:

- (1) is not a public works contract;
- (2) is for a public works construction project of \$25,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j); or
- (3) is for a public works alteration, demolition, repair, or maintenance project of \$15,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j).

Or

This Project is subject to prevailing wages and related requirements as a "public works" under California Labor Code Sections 1720 et seq. and related regulations. Contractor is required to pay general prevailing wages as defined in California Labor Code Section 1773.1 and Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et

seq., as amended from time to time. Pursuant to Labor Code Section 1773, the City has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of worker needed to execute the contract for this Project from the State of California Department of Industrial Relations (“DIR”). Copies of these rates may be obtained at the City’s Purchasing Department office. The general prevailing wage rates are also available at the DIR, Division of Labor Statistics and Research, website (see e.g. <http://www.dir.ca.gov/DLSR/PWD/index.htm>) as amended from time to time. Contractor shall post a copy of the general prevailing wage rates at all Project job sites and shall pay the adopted prevailing wage rates as a minimum. Contractor shall comply with all applicable provisions of Division 2, Part 7, Chapter 1 of the California Labor Code (Labor Code Section 1720 et seq.), including, but not limited to, Sections 1720, 1725.5, 1771, 1771.1, 1771.4, 1773.2, 1774, 1775, 1776, 1777.5, 1782, 1810, 1813 and 1815, and all applicable implementing regulations, including but not limited to Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et seq. (8 CCR Section 16000 et seq.), as amended from time to time.

SECTION 26 NON-APPROPRIATION.

26.1 Appropriations.

This Agreement is subject to the fiscal provisions of the Charter of the City of Palo Alto and the Palo Alto Municipal Code. This Agreement will terminate without any penalty (a) at the end of any fiscal year in the event that the City does not appropriate funds for the following fiscal year for this event, or (b) at any time within a fiscal year in the event that funds are only appropriated for a portion of the fiscal year and funds for this Construction Contract are no longer available. This section shall take precedence in the event of a conflict with any other covenant, term, condition, or provision of this Agreement.

SECTION 27 AUTHORITY.

27.1 Representation of Parties.

The individuals executing this Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

SECTION 28 COUNTERPARTS

28.1 Multiple Counterparts.

This Agreement may be signed in multiple counterparts, which, when executed by all the parties, shall together constitute a single binding agreement.

SECTION 29 SEVERABILITY.

29.1 Severability.

In case a provision of this Construction Contract is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected.

SECTION 30 STATUTORY AND REGULATORY REFERENCES.

30.1 Amendments to Laws.

With respect to any amendments to any statutes or regulations referenced in these Contract Documents, the reference is deemed to be the version in effect on the date that the Contract was awarded by City, as may be amended from time to time, unless otherwise required by law.

SECTION 31 WORKERS' COMPENSATION CERTIFICATION.**31.1 Workers Compensation.**

Contractor shall secure the payment of workers' compensation to its employees as provided in Labor Code Sections 1860 and 3700.

Pursuant to Labor Code Section 1861, by signing this Contract, Contractor thereby certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

SECTION 32 DIR REGISTRATION AND OTHER REQUIREMENTS.**32.1 General Notice to Contractor.**

City requires Contractor and its Subcontractors to comply with all applicable requirements of the California Labor Code including but not limited to Labor Code Sections 1720 through 1861, and all applicable related regulations, including but not limited to Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et seq., as amended from time to time. Additional information regarding public works and prevailing wage requirements is available on the DIR website (see e.g. <http://www.dir.ca.gov>) as amended from time to time.

32.2 Labor Code section 1771.1(a)

City provides notice to Contractor of the requirements of California Labor Code section 1771.1(a), which reads:

"A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded."

32.3 DIR Registration Required.

City will not accept a bid proposal from or enter into this Construction Contract with Contractor without proof that Contractor and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work, subject to limited exceptions.

32.4 Posting of Job Site Notices; Compliance Monitoring.

City gives notice to Contractor and its Subcontractors that Contractor is required to post all job site notices prescribed by law or regulation and Contractor is subject to compliance monitoring and enforcement by DIR.

32.5 Payroll Records.

Contractor shall furnish certified payroll records directly to the Labor Commissioner (DIR) in accordance with Subchapter 3, Title 8 of the California Code of Regulations Section 16461 (8 CCR Section 16461).

City requires Contractor and its Subcontractors to comply with the requirements of Labor Code section 1776, including but not limited to:

- (i) Keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by, respectively, Contractor and its Subcontractors, in connection with the Project.
- (ii) The payroll records shall be verified as true and correct and shall be certified and made available for inspection at all reasonable hours at the principal office of Contractor and its Subcontractors, respectively.
- (iii) At the request of City, acting by its Project Manager, Contractor and its Subcontractors shall make the certified payroll records available for inspection or furnished upon request to the City's Project Manager within ten (10) days of receipt of City's request.
 - City requests Contractor and its Subcontractors to submit the certified payroll records to the City's Project Manager at the end of each week during the Project.
- (iv) If the certified payroll records are not provided as required within the 10-day period, then Contractor and its Subcontractors shall be subject to a penalty of one hundred dollars (\$100.00) per calendar day, or portion thereof, for each worker, and City shall withhold the sum total of penalties from the progress payment(s) then due and payable to Contractor. This provision supplements the provisions of Section 15 hereof.
- (v) Inform the City's Project Manager of the location of Contractor's and its Subcontractors' payroll records (street address, city and county) at the commencement of the Project, and also provide notice to the City's Project Manager within five (5) business days of any change of location of those payroll records.

32.6 Employment of Apprentices.

Contractor shall comply with the statutory requirements regarding employment of apprentices including without limitation Labor Code Section 1777.5. The statutory provisions will be enforced for penalties for failure to pay prevailing wages and for failure to comply with wage and hour laws.

IN WITNESS WHEREOF, the parties have caused this Construction Contract to be executed the date and year first above written.

CITY OF PALO ALTO

ANDERSON PACIFIC ENGINEERING
CONSTRUCTION, INC.

 Purchasing Manager
 City Manager

Officer 1
By: _____

Name: _____

APPROVED AS TO FORM:

Title: _____

City Attorney or Designee

Date: _____

APPROVED:

Officer 2
By: _____

Public Works Director

Name: _____

Title: _____

Date: _____



City of Palo Alto City Council Staff Report

(ID # 14886)

Meeting Date: 11/14/2022

Report Type: Consent Calendar

Title: SECOND READING: Adoption of Nine Ordinances That Repeal and Adopt Various Sections of the Palo Alto Municipal Code (PAMC) Related to the 2022 CA Building Codes (CA Code of Regulations Title 24) Update and Proposed Local Amendments; including: (1) Chapter 15.04 Incorporating the 2022 CA Fire Code With Local Amendments; (2) Chapter 16.04 Incorporating the 2022 CA Building Code With Local Amendments; (3) Chapter 16.05 Incorporating the 2022 CA Mechanical Code With Local Amendments; (4) Chapter 16.06 Incorporating the 2022 CA Residential Code With Local Amendments and Amending Chapter 16.52 to Align Federal, State, and Local Flood Hazard Regulations; (5) Chapter 16.08 Incorporating the 2022 CA Plumbing Code With Local Amendments; (6) Chapter 16.16 Incorporating the 2022 CA Electrical Code With Local Amendments; (7) Chapter 16.18 Incorporating the 2021 International Swimming Pool and Spa Code With Local Amendments; (8) Chapter 16.14 Incorporating the 2022 CA Green Building Standards Code with Local Amendments; (9) Chapter 16.17 Incorporating the 2022 CA Energy Code Without Local Amendments. Environmental Assessment: Project is Exempt Under CA Environmental Quality Act CEQA Guidelines Sections 15061(b)(3) and 15308 (FIRST READING: October 17, 2022 PASSED: 7-0).

From: City Manager

Lead Department: Planning and Development Services

This was first brought to the City Council on October 17, 2022 where it passed without change, in a 7-0 vote. It is now before you for the second reading. Staff have made a number of clerical and formatting changes to the attached ordinances since the first reading, but they remain substantively unchanged.

Attachments:

- **Attachment6.a:** Attachment A: Ordinance Repealing Ch 15.04 Amending Title 15 to Adopt a New Ch 15.04, the CA Fire Code (2022 Edition) with Local Amendments and Related Findings

- Attachment6.b: Attachment B: Ordinance Repealing Ch 16.04 Adopting a New Ch 16.04, CA Building Code, New Ch 16.19, CA Historical Building Code and CA Existing Building Code, 2022 Edition, and Local Am
- Attachment6.c: Attachment C: Ordinance Repealing Ch 16.05 Amending Title 16 to Adopt a New Ch 16.05 CA Mechanical Code, 2022 Edition, and Local Amendments and Related Findings
- Attachment6.d: Attachment D: Ordinance Repealing Ch 16.06 Adopting New Ch 16.06 CA Residential Code, 2022 Edition, and Local Amendments Related Findings and Amending Ch 16.52 Flood Hazard Regulations
- Attachment6.e: Attachment E: Ordinance Repealing Ch 16.08 Amending Title 16 to Adopt a New Ch 16.08 CA Plumbing Code, 2022 Edition, and Local Amendments and Related Findings
- Attachment6.f: Attachment F: Ordinance Repealing Ch 16.16 Amending Title 16 to Adopt a New Ch 16.16 CA Electrical Code, 2022 Edition, and Local Amendments and Related Findings
- Attachment6.g: Attachment G: Ordinance Repealing Ch 16.18 Amending Title 16 to Adopt a New Ch 16.18 International Swimming Pool and Spa Code with Local Amendments
- Attachment6.h: Attachment H: Ordinance Repealing Ch 16.14 of PAMC Adopting a New Ch 16.14 California Green Building Code, 2022 Edition, and Local Amendments and Related Findings
- Attachment6.i: Attachment I: Ordinance Repealing Ch 16.17 Amending Title 16 to Adopt a New Ch 16.17 CA Energy Code, 2022 Edition, and Local Amendments and Related Findings

Ordinance No. ____

Adoption of an Ordinance Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a New Chapter 15.04, the California Fire Code (2022 Edition) With Local Amendments and Related Findings

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

SECTION 1. Title 15 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety Chapter 15.04 and enacting a new Chapter 15.04 to read as follows:

**CHAPTER 15.04
CALIFORNIA FIRE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9**

Sections

- 15.04.010** 2022 California Fire Code, Title 24, Part 9 adopted and amended.
- 15.04.020** Local Amendments.
- 15.04.030** Section 102.5 Application of residential code.
- 15.04.040** Section 103.2 Appointment.
- 15.04.050** Sections 105.3.9 Permits/Permit fees and 105.3.10 Operational Permits.
- 15.04.060** Table 105.5.9 Permit amounts for compressed gases.
- 15.04.070** Table 105.5.22 Permit amounts for hazardous materials.
- 15.04.080** Sections 105.5.25 and 105.5.53 and Sections 105.5.55 through 105.5.59 Operational permits.
- 15.04.090** Sections 105.6.3 Cryogenic fluids and 105.6.12 Hazardous materials amended and Section 105.6.25 Construction permits added.
- 15.04.100** Sections 105.8.1 and 105.8.2 Fire and life safety.
- 15.04.110** Section 107.7 Certified Unified Program Agency Fees.
- 15.04.120** Section 108.1 Inspection authority.
- 15.04.130** Section 112.1.1 Enforcement/citation authority.
- 15.04.140** Section 112.4 Violation penalties.
- 15.04.150** Definitions Section 202
- 15.04.160** Section 316.7 Roof guiderails at interior courts.
- 15.04.170** 320.3.13 Safety certification.
- 15.04.180** Section 322.4.2.2.1 through 322.4.2.2.3 Maximum quantity in a control area.
- 15.04.190** Section 401.5 Making false report.
- 15.04.200** Section 503.1 Fire access roadways.

- 15.04.210 Section 503.2.1 Dimensions.
- 15.04.220 Section 503.2.2 Authority.
- 15.04.230 Section 504.5 Access control devices.
- 15.04.240 Section 505.1.1 and 505.1.2 Premises identification.
- 15.04.250 Section 509.1.2 Fire protection equipment identification.
- 15.04.260 Sections 603.11 through 603.13.
- 15.04.270 Section 605.5.2.1.1 Prohibitive locations.
- 15.04.280 Section 903.2 Automatic sprinkler systems, where required.
- 15.04.290 903.3.1.1 NFPA 13 sprinkler systems.
- 15.04.300 Section 903.3.1.2 NFPA 13R sprinkler systems.
- 15.04.310 Section 903.3.1.3 and 903.3.1.3.1 NFPA 13D sprinkler systems.
- 15.04.320 Section 903.4.3 Floor control valves.
- 15.04.330 Section 905.3.1 Standpipe systems.
- 15.04.340 Section 909.20.7 Smoke control systems - schedule.
- 15.04.350 Section 1008.3.3 Rooms and spaces.
- 15.04.360 Section 1031.2 Where required.
- 15.04.370 Section 1207.1.5 Large-scale fire test.
- 15.04.380 Section 1207.11.3 Location.
- 15.04.390 Section 3305.9 Fire walls.
- 15.04.400 Section 3312.1 and 3312.1.1.
- 15.04.410 Section 4902.1 Definition of wildland-urban interface fire area.
- 15.04.420 Section 4903.2 and 4903.3 through 4903.4 General requirements for wildland-urban interface fire areas.
- 15.04.430 Sections 4907.1 and 4907.4 Defensible space.
- 15.04.440 Section 5001.2.2.2 Health Hazards.
- 15.04.450 Section 5001.7 Hazard materials management plan electronic submissions.
- 15.04.460 Section 5003.1.3.1 Toxic, highly toxic, moderately toxic gases and similarly used or handled materials.
- 15.04.470 Section 5003.1.5 Other health hazards including carcinogens, irritants and sensitizers.
- 15.04.480 Section 5003.1.6 Additional secondary containment requirements.
- 15.04.490 Section 5003.2.2.1 Design and construction.
- 15.04.500 Section 5003.2.2.2 Additional regulations for supply piping for health hazard materials.
- 15.04.510 Section 5003.3.1 Unauthorized discharges.
- 15.04.520 Section 5003.5.2 Ventilation ducting.

- 15.04.530 Section 5003.5.3 “H” Occupancies.**
- 15.04.540 Section 5003.9.11 Fire extinguishing systems for workstations dispensing, handling or using hazardous materials.**
- 15.04.550 Section 5003.10.4 Elevators utilized to transport hazardous materials.**
- 15.04.560 Section 5004.2.1 Spill control for hazardous material liquids.**
- 15.04.570 Sections 5004.2.2 and 5004.2.2.2 and Table 5004.2.2 Secondary containment for hazardous material liquids and solids.**
- 15.04.580 Section 5004.2.3 Containment pallets.**
- 15.04.590 Section 5704.2.7.5.8 Overfill prevention.**
- 15.04.600 Section 5704.2.7.5.9 Automatic filling of tanks.**
- 15.04.610 Section 5707.3.3 Site plan.**
- 15.04.620 Section 6001.1 Site scope.**
- 15.04.630 Section 6002.1 Definitions.**
- 15.04.640 Section 6004.1 Highly toxic and toxic compressed gases.**
- 15.04.650 Sections 6004.2 and 6004.2.1 Indoor storage and use.**
- 15.04.660 Section 6004.2.1.4 and Table 6004.2.1.4 Quantities.**
- 15.04.670 Section 6004.4 through 6004.4.8.2 General indoor requirements.**

15.04.010 2022 California Fire Code, Title 24, Part 9 adopted and amended.

The California Fire Code, 2022 Edition, as adopted by the California Code of Regulations Title 24, Part 9, and Appendices B, C, D, E, F, G, H, and K is adopted as herein amended. One copy of the California Fire Code is on file and open to public inspection in the Office of the City Clerk. Additional copies of the secondary codes set forth within the California Fire Code, and the amendments set forth in this chapter, are on file and open to public inspection in the fire department administrative office.

Whenever the phrase “California Fire Code” appears in this code or in any ordinance of the city, such phrase shall be deemed and construed to refer to and apply to the “California Fire Code, 2022 Edition” as adopted by the California Code of Regulations Title 24, Part 9 and as adopted and amended by this chapter.

15.04.020 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Fire Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter. Where used in this Chapter 15.04, ellipses shall indicate text of the California Fire Code, 2022 Edition, that has been adopted without amendment but is omitted for brevity.

15.04.030 Section 102.5 amended - Application of residential code.

Section 102.5 of the California Fire Code is amended to read as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the *California Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions:
 - a. Provisions of this code pertaining to the exterior of the structure shall apply, including, but not limited to, premises identification, fire apparatus access, and water supplies.
 - b. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code including, but not limited to, Sections 903.2 through 903.3.7 and Section 907.2.10.
 - c. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 of this code shall also apply.
2. Administrative, operational, and maintenance provisions: all such provisions of this code shall apply.

15.04.040 Section 103.2 Appointment deleted.

Section 103.2 of the California Fire Code is deleted.

15.04.050 Sections 105.3.9 Permits/Permit fees and 105.3.10 Operational permits.

Sections 105.3.9 and 105.3.10 are added to the California Fire Code to read as follows:

105.3.9 Permits/Permit fees. All permit fees shall be established by the City Council as set forth in the municipal fee schedule.

105.3.10 Operational permits. Operational permits are valid for one year at which time they must be renewed by paying a fee specified in the municipal fee schedule.

15.04.060 Table 105.5.9 Permit amounts for compressed gases.

Table 105.5.9 of the California Fire Code is amended to read as follows:

**TABLE 105.5.9
PERMIT AMOUNTS FOR COMPRESSED GASES¹**

TYPE OF GAS	AMOUNT (cubic feet) ²
	X 0.0283 for m ³
Carbon dioxide used in carbon dioxide enrichment systems	875(100 lbs)

Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Irritant	200
Moderately toxic	20
Other health hazards	650
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any Amount
Unstable (reactive)	Any amount

For SI: 1 cubic foot = 0.0283m³.

- 1 Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.
- 2 Cubic feet measured at normal Temperature and pressure.

15.04.070 Table 105.5.22 Permit amounts for hazardous materials.

Table 105.5.22 of the California Fire Code is amended to read as follows:

**TABLE 105.5.22
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	<i>AMOUNT</i>
Carcinogens	10 pounds
Combustible liquids	See Section 105.6.16
Corrosive materials: Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Cryogens	See Section 105.6.10
Explosive materials	See Section 105.6.14
Flammable materials: Gases Liquids Solids	See Section 105.6.8 See Section 105.6.16 10 pounds
Highly toxic materials:	

Gases Liquids Solids	Any amount Any amount Any amount
Moderately toxic gas	20 cubic feet
Organic peroxides: Liquids: Class I-IV Liquids: Class V Solids: Class I-IV Solids: Class V	Any Amount No Permit Required Any Amount No Permit Required
Oxidizing materials: Gases Liquids Solids:	504 Cubic Feet Any amount Any amount
Other health Hazards: Liquids	55 gallons 500 pounds
Pyrophoric materials: Gases Liquids Solids	Any amount Any amount Any amount
Radioactive materials: Gases Liquids Solids	Any Amount See Section 105.6.47 See Section 105.6.47
Toxic materials: Gases Liquids Solids	Any amount Any amount Any amount
Unstable (reactive) materials: Gases Liquids Solids	Any amount Any amount Any amount
Water reactive materials: Liquids Solids	Any amount Any amount

For SI: 1 gallon = 3.785 L, 1 pound = 0.454kg.

- a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in

accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

15.04.080 Sections 105.5.25 and 105.5.53 and Sections 105.5.55 through 105.5.59 Operational permits.

Sections 105.5.25 and 105.5.53 of the California Fire Code are amended and Sections 105.5.55 through 105.5.59 are added to read as follows:

[. . .]

105.5.25 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.
Exception: (deleted)
3. Fixed-site hot work equipment, such as welding booths.
4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. (deleted)

[. . .]

105.5.53 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium-ion and lithium metal batteries, where required by Section 322.1.

[. . .]

105.5.55 Liquid gas fueled equipment. An operational permit is required for liquid gas fueled equipment.

105.5.56 Battery operated equipment. An operational permit is required for commercial/industrial/research battery operated equipment.

105.5.57 Underground storage tank. An operational permit is required for Underground Storage Tanks.

105.5.58 Radioactive materials. An operational permit is required to store, use or handle any radioactive material or source.

105.5.59 Day care permit. An operational permit is required to operate a day care facility for more than six children or adults.

15.04.090 Sections 105.6.3 Cryogenic fluids and 105.6.12 Hazardous materials amended and Section 105.6.25 Construction permits added.

Sections 105.6.3 and 105.6.12 of the California Fire Code are amended, and 105.6.25 of the California Fire Code is added to read as follows:

[. . .]

105.6.3 Cryogenic fluids. A construction permit is required for installation of or alteration to stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.5.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.

[. . .]

105.6.12 Hazardous Materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use and when equipment is modified or installed that uses, stores, processes, or conveys hazmat.

Exceptions:

1. deleted
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement work.

[. . .]

105.6.25 Underground fire service lines: installation or modification.

A construction permit is required for the installation, modification or removal from service of underground fire service lines.

15.04.100 Sections 105.8.1 and 105.8.2 Fire and life safety.

Subsections 105.8.1 and 105.8.2 are added to the California Fire Code to read as follows:

105.8.1 Fire and life-safety plan review. Fire and life-safety plan review of all new construction, all remodels, and all additions shall be performed by the Fire Chief or his designee.

105.8.2 Site Map and Floor plans. The fire code official may require as a condition of final

permit approval, a site map including the use of standard or approved Palo Alto Fire Department symbols. Features would include interior floor plans, on-site hydrant locations, FDC locations, key safe locations, alarm panel locations, electrical panel locations, stairwell and elevator locations, water shut off locations, hazardous materials locations, and other significant design elements or fire service features. The site map is to be provided in a format compatible with the City's Geographic Information System (GIS) at time of construction. This requirement applies to newly constructed buildings, facilities where hazardous materials are used or stored in quantities exceeding permit amounts in Section 105, additions or permitted remodels when in the opinion of the fire code official a site map is warranted.

15.04.110 Section 107.7 Certified Unified Program Agency Fees.

Section 107.7 is added to the California Fire Code to read as follows:

107.7 Certified Unified Program Agency (CUPA) Fees. Pursuant to the Participating Agency Agreement between the County of Santa Clara and the City of Palo Alto dated July 1, 1997, or as amended, the Fire Department is authorized to collect fees associated with the CUPA programs. The CUPA fees will be collected on an annual basis or as specified in the Palo Alto Municipal Fee Schedule.

15.04.120 Section 108.1 Inspection authority.

Section 108.1 of the California Fire Code is amended to read as follows:

108.1 Inspection authority. The fire code official is authorized to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the fire code official for the purposes of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, result in an unauthorized discharge of hazardous materials, or amount to any violation of this code or any other law or standard affecting fire and life safety.

15.04.130 Section 112.1.1 Enforcement/citation authority.

Section 112.1.1 is added to the California Fire Code to read as follows:

112.1.1 Penal code citation 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 the California Fire Code. The designated employee positions are: Fire Chief, Deputy Fire Chief, Fire Marshal, Fire Inspector, Hazardous Materials Specialist and Hazardous Materials Inspector.

15.04.140 Section 112.4 Violation penalties.

Section 112.4 of the California Fire Code is amended to read as follows:

112.4 Violation penalties. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Title 15 or any permits, conditions, or variances granted under this Title, and 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 Fire Chief or his/her designee determines that a violation of this Chapter has occurred, the Fire Chief or his/her designee 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 Fire Chief or his/her designee shall issue and record a release of the notice of pendency of code violation.

[. . .]

15.04.150 Definitions Section 202

Except as noted herein, Section 202 is adopted in full. The following definitions are amended or added to Section 202 of the California Fire Code to read as follows:

3D PRINTER. A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.

ADDITIVE MANUFACTURING. A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:

1. Industrial additive manufacturing. 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system, or that create a hazardous (classified) location area or zone outside of the equipment.
2. Non-industrial additive manufacturing. 3D printing operations that do not create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.

CORROSIVE LIQUID. Corrosive liquid is:

- 1) any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; or

- 2) any liquid having a pH of 2 or less or 12.5 or more; or
- 3) any liquid classified as corrosive by the U.S. Department of Transportation; or
- 4) any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

FALSE ALARM. The willful, knowing, or negligent initiation or transmission of a signal, message, or other notification of an event of fire when no such danger exists.

MAXIMUM THRESHOLD QUANTITY (MAX TQ). Maximum threshold quantity is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

MODERATELY TOXIC GAS. A moderately toxic gas is a chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

OTHER HEALTH HAZARD MATERIAL. Other health hazard material is a hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage), sensitizers or teratogens (effect on fetuses), carcinogens, and irritants.

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

SPILL CONTROL. Spill control is that level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

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, "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.

WORKSTATION. A workstation is a defined space or independent principal piece of equipment using hazardous materials with a hazard rating of 1.

15.04.160 Section 316.7 Roof guiderails at interior courts.

Section 316.7 of the California Fire Code is added to read as follows:

316.7 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.

15.04.170 320.3.13 Safety certification.

Section 320.3.13 of the California Fire Code is added to read as follows:

320.3.13 Safety certification. The equipment, process, training procedures and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter's Laboratory or equivalent.

15.04.180 Section 322.4.2.2.1 through 322.4.2.2.3 Maximum quantity in a control area.

Section 322.4.2.2.1 through 322.4.2.2.3 are added to the California Fire Code to read as follows:

322.4.2.2.1 Maximum quantity in a control area. The aggregate amount of lithium batteries stored and handled in a single control area shall not exceed 9,000 pounds (4086 kg).

322.4.2.2.2 Number of control areas. The maximum number of control areas within a building shall be four.

322.4.2.2.3 Group H, Division 2 occupancy. Storage and handling of more than 9,000 pounds of lithium batteries per control area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant-energy detection systems.

15.04.190 Section 401.5 Making false report.

Section 401.5 of the California Fire Code is amended to read as follows:

401.5 Making false report. A person shall not, knowingly or unknowingly, give, signal, or transmit a false alarm. Initiation or transmission in a twelve-month period of three or more signals, messages, or other notifications of an event of fire when no such danger exists shall be presumed negligent.

15.04.200 Section 503.1 Fire access roadways.

Section 503.1 of the California Fire Code is amended to read as follows:

503.1 Fire access roadways. Where required, fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and as per Fire Department Access Road Standards.

[. . .]

15.04.210 Section 503.2.1 Dimensions.

Section 503.2.1 of the California Fire Code is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) exclusive of shoulders, or as required by Appendix D, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

15.04.220 Section 503.2.2 Authority.

Section 503.2.2 of the California Fire Code is amended to read as follows:

503.2.2 Authority. The fire code official shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

15.04.230 Section 504.5 Access control devices.

Section 504.5 of the California Fire Code is amended to read as follows:

504.5 Access control devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to within and throughout the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official or his/her designee. Access control devices shall also comply with Chapter 10 Egress.

15.04.240 Section 505.1.1 and 505.1.2 Premises identification.

Sections 505.1.1 and 505.1.2 of the California Fire Code are added to read as follows:

505.1.1 Address illumination. Address identification required by Section 505.1 shall be

illuminated.

505.1.2 Address identification size. Address numbers and letters required by Section 505.1 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 (12") high is required.

15.04.250 Section 509.1.2 Fire protection equipment identification.

Section 509.1.2 of the California Fire Code is added to read as follows:

509.1.2 Fire Protection equipment identification. Exterior fire control valves, standpipes, hose valves, fire department connection, post indicators, fire service backflow preventers and other fire department appurtenances are to be painted red for identification.

15.04.260 Sections 603.11 through 603.13.

Section 603.11 through 603.13 is added to the California Fire Code to read as follows:

603.11 Immersion heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over- temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

603.12 Electric vehicle service equipment – car chargers. Electric vehicle service equipment shall be equipped with collision protection and an emergency power disconnect switch as determined necessary by the Fire Code Official.

603.13 Energy storage system equipment - power walls. Energy storage systems equipment shall be equipped with collision protection as determined necessary by the Fire Code Official.

15.04.270 Section 605.5.2.1.1 Prohibitive locations.

Section 605.5.2.1.1 of the California Fire Code is amended to read as follows:

605.5.2.1.1 Prohibitive Locations. The storage or use of portable outdoor gas- fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.

3. On exterior balconies and rooftops.

Exception: intentionally deleted

15.04.280 Section 903.2 Automatic sprinkler systems, where required.

Section 903.2 of the California Fire 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 interior plumbing fixtures.

2. 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 3,600 square feet or when the addition is equal or greater than 50% of the existing building square footage whichever is more restrictive.
3. An automatic sprinkler system shall be provided throughout all new or altered basements used for storage/utility/occupancy or habitable space regardless of size and throughout existing basements that are expanded by more than 50%. If the addition or alteration is only the basement, then only the basement is required to be fire sprinkler protected.
4. An automatic sprinkler system shall be installed throughout when either the roof structure and/or exterior wall structure have been removed, altered and/or replaced in at least 50% of the existing structure.
5. An automatic sprinkler system shall be installed throughout when any change in use or occupancy creates a more hazardous fire/life safety condition, as determined by the Fire Chief.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in

accordance with Section 711, or both.

[. . .]

15.04.290 903.3.1.1 NFPA 13 sprinkler systems.

Section 903.1.1.1 of the California Fire Code is amended to read as follows:

903.1.1.1 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 / 1500 square feet.
2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.
3. Light hazard shall be hydraulically designed to a 1500 square foot most remote area or as required by the fire code official.
4. Laboratory areas within buildings shall be hydraulically designed to Ordinary Hazard II density.
5. Parking areas where mechanical vehicle storage equipment is used the fire sprinkler system shall be hydraulically designed to Extra Hazard II density.
6. In multi-residential apartments, townhomes, and condominiums

[. . .]

15.04.300 Section 903.3.1.2 NFPA 13R sprinkler systems.

Section 903.3.1.2 of the California Fire Code is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R occupancies, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13 and State and local standards.

[. . .]

15.04.310 Section 903.3.1.3 and 903.3.1.3.1 NFPA 13D sprinkler systems.

Section 903.3.1.3 of the California Fire Code is amended and 903.3.1.3.1 is added to read as follows:

903.3.1.2 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems

installed in one-and two-family dwellings shall be installed throughout in accordance with NFPA 13D and State and local standards. Fire sprinkler protection shall be provided under rear covered patios extending over 4 ft perpendicular from the exterior of the structure.

903.3.1.3.1 Increase in fire sprinkler design criteria. Structures determined by the fire code official to have higher firefighting hazardous condition, or located in the Wildland-Urban Interface Fire Area, shall have an increase in fire sprinkler design criteria as determined by the fire code official.

15.04.320 Section 903.4.3 Floor control valves.

Section 903.4.3 of the California Fire 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.

15.04.330 Section 905.3.1 Standpipe systems.

Section 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1 Standpipe systems. A Class I Standpipe System shall be installed in new buildings or buildings being retrofitted with a fire sprinkler system where the roof edge/parapet is greater than 27 feet above the lowest level of Fire apparatus access roadway and in below grade levels.

15.04.340 Section 909.20.7 Smoke control systems - schedule.

Section 909.20.7 is added to the California Fire Code to read as follows:

909.20.7 Smoke control systems - schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall occur at least annually.

15.04.350 Section 1008.3.3 Rooms and spaces.

Section 1008.3.3 of the California Fire Code is amended to read as follows:

1008.3.3 Rooms and spaces. In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms.
2. Fire command centers.
3. Fire pump rooms.

4. Generator rooms.
5. Public restrooms.

15.04.360 Section 1031.2 Where required.

Section 1031.2 of the California Fire Code is amended to read:

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in Group R occupancies:

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. In Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.
2. Group R-2.1 occupancies meeting the requirements for delayed egress in accordance with Section 1010.2.13 may have operable windows that are breakable in sleeping rooms permanently restricted to a maximum of 4-inch open position.
3. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior egress balcony that opens to a public way.
4. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²)

15.04.370 Section 1207.1.5 Large-scale fire test.

Section 1207.1.5 of the California Fire Code is amended to read:

1207.1.5 Large-scale fire test. Where required elsewhere in Section 1207, large-scale fire testing shall be conducted in accordance with NFPA 855, and UL 9540A. The testing shall be conducted or witnessed and reported by an approved testing laboratory and show that a fire involving one ESS will not propagate to an adjacent ESS, and where installed within buildings, enclosed areas and walk-in units will be contained within the room, enclosed area or walk-in unit for a duration equal to the fire-resistance rating of the room separation specified in Section 1207.7.4. The test report shall be provided to

the fire code official for review and approval in accordance with Section 104.8.2.

15.04.380 Section 1207.11.3 Location.

Section 1207.11.3 of the California Fire Code is amended to read:

1207.11.3 Location. ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space and sleeping units in accordance with Section R302.6.
3. Outdoors *installations* or on the exterior side of the exterior walls *shall not be located* not less than 3 feet (914 mm) from doors and windows directly entering the dwelling unit and *shall not be located below or above any emergency escape and rescue openings*.
4. Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood-framed construction shall be provided with not less than 5/8-inch (15.9 mm) Type X gypsum wallboard.
5. ESS shall not be installed in sleeping rooms, closets, spaces opening directly into sleeping rooms or in habitable spaces of dwelling units.

15.04.390 Section 3305.9 Fire walls.

Section 3305.9 is added to the California Fire Code to read as follows:

3305.9 Fire walls. When firewalls are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

15.04.400 Section 3312.1 and 3312.1.1.

Section 3312.1 of the California Fire Code is amended to read as follows:

3312.1 Stairways required. Each level above the first story in new multi-story buildings shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and shall discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

3312.1.1 Required means of egress. All new buildings under construction shall have a least one unobstructed means of egress. All means of egress shall be identified in the Fire Protection Plan.

15.04.410 Section 4902.1 Definition of wildland-urban interface fire area.

The definition of “wildland-urban interface fire area” in Section 4902.1 is amended to read as follows:

WILDLAND-URBAN INTERFACE FIRE AREA (WUI) A geographical area identified by the State of California as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4204 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 Interface Fire 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.

15.04.420 Sections 4903.2 and 4903.3 through 4903.4 General requirements for wildland-urban interface fire areas.

Sections 4903.2 amended and 4903.3 through 4903.4 are added to the California Fire Code to read as follows:

4903.2 Contents. The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history. The plans shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive. The plan shall address fire department access, egress, road and address signage, water supply, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management in addition to fuel reduction in accordance with Public Resources Code (PRC) 4290; the defensible space requirements in accordance with PRC 4291 or Government Code 51182; and the applicable building codes and standards for wildfire safety. The plan shall identify mitigation measures to address the project’s specific wildfire risk and shall include the information required in Section 4903.2.1.

4903.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4903.4 Plan retention. The fire protection plan shall be retained by the fire code official.

15.04.430 Sections 4907.1 and 4907.4 Defensible space.

Section 4907.1 is amended and Section 4907.4 is added to the California Fire Code to read as follows:

4907.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations. Defensible space will be managed around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining the Wildland-Urban Interface Fire Area and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) from such buildings or structures, when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
6. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
7. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Exception: Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

8. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways to of non-fire-resistive vegetation growth.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

[. . .]

4907.4 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

15.04.440 Section 5001.2.2.2 Health Hazards.

Section 5001.2.2.2 of the California Fire Code is amended to read as follows:

5001.2.2.2 Health Hazards. The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic, toxic and moderately toxic.
2. Corrosive materials.
3. Moderately toxic gas.
4. Other health hazards.

15.04.450 Section 5001.7 Hazard materials management plan electronic submissions.

Section 5001.7 is added to the California Fire Code to read as follows:

5001.7 HMMP Electronic submissions Each applicant for a permit, a renewed permit, or an amended permit pursuant to this title shall file an electronic submission of all hazardous materials through California Environmental Reporting System (CERS) for the fire chief's approval, to be known as a hazardous materials management plan (HMMP), which shall demonstrate the suitable storage of hazardous materials. The HMMP may be amended at any time with the consent of the fire chief. The HMMP shall be a public record except as otherwise specified. Section 18.23.100 in Title 18 identifies notification requirements of the availability of the HMMP. Approval of the HMMP shall mean that the HMMP has provided adequate information for the purposes of evaluating the permit

approval. Such approval shall not be understood to mean that the city has made an independent determination of the adequacy of that which is described in the HMMP electronic submission.

15.04.460 Section 5003.1.3.1 Toxic, highly toxic, moderately toxic gases and similarly used or handled materials.

Section 5003.1.3.1 is added to the California Fire Code to read as follows:

5003.1.3.1 Toxic, highly toxic, moderately toxic gases and similarly used or handled materials. The storage, use, and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 60004.2 or 60004.3 shall be in accordance with this Chapter and Chapter 60. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

15.04.470 Section 5003.1.5 Other health hazards including carcinogens, irritants and sensitizers.

Section 5003.1.5 is added to the California Fire Code to read as follows:

5003.1.5 Other health hazards including carcinogens, irritants and sensitizers. The storage, use, and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 5003.

15.04.480 Section 5003.1.6 Additional secondary containment requirements.

Section 5003.1.6 is added to the California Fire Code to read as follows:

5003.1.6 Additional secondary containment requirements. In addition to the requirements set forth in Section 5004.2, an approved containment system is required for any quantity of hazardous materials that are liquids or solids at normal temperature and pressure (NTP), where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in section 5004.2.

15.04.490 Section 5003.2.2.1 Design and construction.

Section 5003.2.2.1 of the California Fire Code is amended to read as follows:

5003.2.2.1 Design and construction. Piping, tubing, valves, fittings and related

components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and the Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing and provided with ready access at the following locations at the following locations:
 - a. The point of use.
 - b. The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be clearly visible, provided with ready access and identified in an approved manner.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of: Health hazard Class 3 or 4, Flammability Class 3 or 4, or Reactivity Class 4 in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

- a. Piping for inlet connections designed to prevent backflow.
 - b. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 6004.2 and 6004.3. Secondary containment includes, but is not limited to, double-walled piping.

Exceptions:

- a. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.

- b. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

15.04.500 Section 5003.2.2.2 Additional regulations for supply piping for health hazard materials.

Section 5003.2.2.2 of the California Fire Code is amended to read as follows:

5003.2.2.2 Additional regulations for supply piping for health hazard materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.11.7.4 of the California Building Code as required for Group H5 occupancies.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

15.04.510 Section 5003.3.1 Unauthorized discharges.

Section 5003.3.1 of the California Fire Code is amended to read as follows:

5003.3.1 Unauthorized discharges. In the event hazardous materials are released in quantities reportable under state, federal or local regulations or when there is a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following

procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

15.04.520 Section 5003.5.2 Ventilation ducting.

Section 5003.5.2 is added to the California Fire Code to read as follows:

5003.5.2 Ventilation ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

15.04.530 Section 5003.5.3 “H” Occupancies.

Section 5003.5.4 is added to the California Fire Code to read as follows:

5003.5.3 “H” Occupancies. In “H” occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

15.04.540 Section 5003.9.11 Fire extinguishing systems for workstations dispensing, handling or using hazardous materials.

Section 5003.9.11 is added to the California Fire Code to read as follows:

5003.9.11 Fire extinguishing systems for workstations dispensing, handling or using hazardous materials. Combustible and non-combustible workstations which dispense, handle or use hazardous materials shall be protected by an approved automatic fire extinguishing system.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

15.04.550 Section 5003.10.4 Elevators utilized to transport hazardous materials.

Section 5003.10.4 of the California Fire Code is amended to read as follows:

5003.10.4 Elevators utilized to transport hazardous materials.

5003.10.4.1 When transporting hazardous materials, elevators shall have no other passengers other than in the individual(s) handling the chemical transport cart.

5003.10.4.1.1 When transporting cryogenic or liquefied compressed gases, there shall be no occupants in the elevator.

5003.10.4.2 Hazardous materials liquid containers shall have a maximum capacity of 20 liters (5.28 gal).

5003.10.4.3 Highly toxic, toxic, and moderately toxic gases shall be limited to a container of a maximum water capacity of 1 lb.

5003.10.4.4 When transporting cryogenic or liquefied compressed gases means shall be provided to prevent the elevator from being summoned to other floors.

15.04.560 Section 5004.2.1 Spill control for hazardous material liquids.

Section 5004.2.1 of the California Fire Code is amended to read as follows:

5004.2.1 Spill control for hazardous material liquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

15.04.570 Sections 5004.2.2 and 5004.2.2.2 and Table 5004.2.2 Secondary containment for hazardous material liquids and solids.

Table 5004.2.2 is deleted in its entirety.

Sections 5004.2.2 and 5004.2.2.2 of the California Fire Code are amended to read as follows:

5004.2.2 Secondary containment for hazardous material liquids and solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

[. . .]

5004.2.2.2 Incompatible Materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

15.04.580 Section 5004.2.3 Containment pallets.

Section 5004.2.3 of the California Fire Code is amended to read as follows:

5004.2.3 Containment pallets. Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

Where used as an alternative to spill control and secondary containment for outdoor storage in accordance with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;

Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

15.04.590 Section 5704.2.7.5.8 Overfill prevention.

Section 5704.2.7.5.8 of the California Fire Code is amended to read as follows:

5704.2.7.5.8 Overfill prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less shall comply with Section 5704.2.9.7.5.1 (1.1)

15.04.600 Section 5704.2.7.5.9 Automatic filling of tanks.

Section 5704.2.7.5.9 is added to the California Fire Code to read as follows:

5704.2.7.5.9 Automatic filling of tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with an approved overfill protection system that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

15.04.610 Section 5707.3.3 Site plan.

Section 5707.3.3 of the California Fire Code is amended to read as follows:

5707.3.3 Site plan. A site plan shall be developed for each location at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

1. All buildings and structures.
2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on site and their use and function
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing, impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

15.04.620 Section 6001.1 Site scope.

Section 6001.1 of the California Fire Code is amended to read as follows:

6001.1 Site scope. The storage and use of highly toxic, toxic and moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

Exceptions:

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.1 1.
2. Conditions involving pesticides or agricultural products as follows:
 - 2.1. Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
 - 2.2. Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations thereunder.
 - 2.3. Storage in dwellings or private garages of pesticides registered by the U.S. Environmental Protection Agency to be utilized in and around the home,

garden, pool, spa and patio.

15.04.630 Section 6002.1 Definitions.

The following definition is added to section 6002.1 of the California Fire Code as defined in Chapter 2 of the California Fire Code and local amendments:

MODERATELY TOXIC GAS. A moderately toxic gas is a chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

15.04.640 Section 6004.1 Highly toxic and toxic compressed gases.

Section 6004.1 of the California Fire Code is amended to read as follows:

6004.1.1 The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1 .3.

6004.1.1.1 Group A, E, I or U occupancies. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.566 m3) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 Group R occupancies. Moderately toxic, toxic, and highly toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 Offices, retail sales and classrooms. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m3) at NTP are allowed in gas cabinets or fume hoods.

15.04.650 Sections 6004.2 and 6004.2.1 Indoor storage and use.

Sections 6004.2 and 6004.2.1 of the California Fire Code are amended to read as follows:

6004.2 Indoor storage and use. The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1

through 6004.2.2.10.3.

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.4.

15.04.660 Section 6004.2.1.4 and Table 6004.2.1.4 Quantities.

Section 6004.2.1.4 and Table 6004.2.1.4 of the California Fire Code are added to read as follows:

6004.2.1.4 Quantities. The indoor storage or use of highly toxic, toxic, and moderately toxic gases in amounts exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4 but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, and 6004.4.

Table 6004.2.1.4

Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use	
Highly Toxic	20 cubic feet
Toxic	405 cubic feet
Moderately Toxic	405 cubic feet

15.04.670 Section 6004.4 through 6004.4.8.2 General indoor requirements.

Section 6004.4 through 6004.4.8.2 of the California Fire Code is added to read as follows:

6004.4. General indoor requirements. The general requirements applicable to the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2

6004.4.1 Cylinder and tank location. Cylinders shall be located within gas cabinets, exhausted enclosures or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

Exception:

1. Where a gas detection system is provided in accordance with 6004.4.8

6004.4.2. Ventilated areas. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

6004.4.3. Piping and controls. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

Exceptions:

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

6004.4.4 Gas rooms. Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
2. Gas rooms shall be equipped with an approved automatic sprinkler system. Alternative fire-extinguishing systems shall not be used.

6004.4.5 Treatment systems. The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic, and moderately toxic gases—storage. A treatment system is not required for cylinders, containers and tanks in storage where all of the following controls are provided:
 - a. Valve outlets are equipped with gas-tight outlet plugs or caps.
 - b. Hand wheel-operated valves have handles secured to prevent movement.
 - c. Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.
2. Highly toxic, toxic, and moderately toxic gases —use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail-safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail-safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room.

6004.4.5.1. Design. Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

6004.4.5.2. Performance. Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

6004.4.5.3. Sizing. Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.

6004.4.5.4 Stationary tanks. Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m³/s) of gas at normal temperature and pressure (NTP).

6004.4.5.5 Portable tanks and cylinders. The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst- case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

6004.4.6. Emergency power. Emergency power shall be provided for the following systems in accordance with Section 604:

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.

6004.4.6.1. Fail-safe systems. Emergency power shall not be required for mechanical

exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

6004.4.7. Automatic fire detection system. An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

6004.4.8. Gas detection system. A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

Exceptions:

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.

A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

6004.4.8.1. Alarms. The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

6004.4.8.2. Shut off of gas supply. The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

SECTION 2. The Council adopts the findings for local amendments to the California Fire Code, 2022 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 California 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.

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SECTION 4. This Ordinance shall become effective on the commencement of the thirty-first day after the day of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

Fire Chief

EXHIBIT AFindings for Local Amendments to the 2022 California Fire Code

The following local amendments to the 2022 California Fire Code make modifications as authorized by the California Health and Safety Code. In accordance with Section 18941.5 of said Code, Findings are hereby made to show that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions.

I. PREAMBLE**I. Findings of fact**

A Pursuant to Section 17958.5 of the California Health and Safety Code, the report contained herein is submitted as the “Findings of Fact” document with regard to the adoption of the California Fire Code, 2022 Edition, and amendments. Under this adopting ordinance, specific amendments have been established which are more restrictive in nature than those adopted by the State of California (State Building Code Standards, State Housing and Community Development Codes) commonly referred to as California Code of Regulations, Titles 19, 24 and 25.

B These amendments to the California Fire Code, 2022 Edition, have been recognized by the City of Palo Alto (“City”) as tools for addressing the fire problems, concerns and future direction by which the authority can establish and maintain an environment which will afford a level of fire and life safety to all who live and work within the City’s boundaries.

C Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments shall be based upon the following: climatic, geological/geographical, and topographical conditions. The findings of fact contained herein shall address each of these situations and shall present the local situation which, either singularly or in combination, caused the established amendments to be adopted.

1. Climactic Conditions:

The City, on an average, experiences an annual rainfall of 16" - 18". This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any, measurable precipitation. During this dry period the temperatures are usually between 70-90 degrees with light to gusty westerly winds. These drying winds, combined with the natural vegetation which is dominant throughout the area, create a hazardous fuel condition which can cause, and has caused in the past, extensive grass and brush land fires. With more and more development encroaching into these wooded and grass covered areas, wind-driven fires could have severe consequences, as has been demonstrated on several occasions in Palo Alto and other

areas of the state. Fires in structures can easily spread to the wildland as well as a fire in the wildland into a structure.

Because of the weather patterns, a normal rainfall cannot always be relied upon. This can result in water rationing and water allocation systems, as demonstrated by the drought years of 1986-1991. Water shortages can also be expected in the future due to the current water storage capacities and increased consumption. The water supply for the Palo Alto fire department makes use of automatic fire sprinkler systems feasible as a means to reduce our dependency on large volumes of water for fire suppression.

2. Geological & Geographical Conditions:

Geographical Location. Palo Alto is located at the northern most part of Santa Clara County. Palo Alto is a major focus of the “Silicon Valley,” the center for an expanding and changing electronics industry, as well as pharmaceutical, biomedical, and genetic research.

Seismic Location. Palo Alto is situated on alluvial solids between San Francisco Bay and the San Andreas Fault zone. The City’s location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the city sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. Approximately 55% of the City’s land surface is in the high-to-moderate seismic hazard zones.

Seismic and Fire Hazards. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The majority of the City’s high-rise structures are located in seismic risk zones. Should a significant seismic event occur, Public Safety resources would have to be prioritized to mitigate the greatest threat, and may not be available for every structural fire. In such event, individual structures, including high-rise buildings, should be equipped to help in mitigating the risk of damage.

Other variables may tend to intensify the situation:

- a. The extent of damage to the water system;
- b. The extent of isolation due to bridge and/or freeway overpass collapse;
- c. The extent of roadway damage and/or amount of debris blocking the roadways;
- d. Climatological conditions (hot, dry weather with high winds);
- e. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- f. The availability of timely mutual aid or military assistance;
- g. Many high-rise structures are located near areas of high fire danger necessitating special

precautions.

Transportation. Palo Alto is dissected by a major state highway (El Camino Real) and two major freeways (I-280 and U.S. 101), which potentially could negatively affect response times of fire suppression equipment.

Soil Conditions. Palo Alto lies at the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of many streams emptying into the San Francisco Bay depression, and from intermittent sea water inundation that has occurred over the last 2 or 3 million years. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud which varies in thickness from a few feet to as much as 30 feet. Generally, the older more stable alluvium is to the south and the younger less stable material is to the north. Bedrock lies beneath the area at depths of generally 300' or more.

3. Topographical Conditions:

The findings of fact for the topographical element, as would be expected, are closely associated with the geological/geographical element. With the elevation changes within the district, development is of course following the path of least resistance, creating a meandering pattern. This then does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major crosstown thoroughfares which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. This creates barriers which reduce the response time of fire equipment and other emergency services. The topography of the district is being burdened by major structures. Employment areas are throughout the district. The people who work in these complexes have added to the traffic congestion throughout the city, thereby reducing the fire department's response time capabilities.

Inherent delays caused by the traffic patterns to many of these types of projects, make it necessary to mitigate this problem by requiring additional built-in automatic fire protection systems to provide early detection and initial control until the arrival of the fire department.

The topography of the district in much of the commercial and residential zones lies within or near a flood plane. Periodically, heavy rains and high tides cause region-wide flooding which not only delays response but also increases demands on fire personnel. The fire code amendments increase safeguards and initialize early response to help compensate for these physical delays.

As a result of the findings of facts which identify the various climatic, geological/geographical and topographical elements, those additional requirements as specified in the amendments to adopting ordinance for the California Fire Code 2022 Edition, by the City of Palo Alto area are considered reasonable and necessary modifications. The experience of several disastrous fires

within the city in addition to Santa Clara, Monterey, San Mateo, Alameda and Contra Costa counties have demonstrated the need for other fire protection features, the most significant of which was located in the Oakland/Berkeley Hills in which over 3,000 homes were destroyed and 25 human lives were lost. While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, the implementation of these various amendments to the Code may reduce the severity and potential of loss of life and property.

II. Specific Findings for Local Amendments

The majority of local amendments (those not specifically listed below) are made strictly to conform to other parts of the Palo Alto Municipal Code (PAMC) and for similar administrative purposes.

Based upon the findings of fact described in section I, the City Council also makes the following specific findings regarding local climatic, geological, and topographic conditions related to local amendments to the California and International Fire Codes found in Chapter 15.04 of Title 15 of the Palo Alto Municipal Code (“PAMC”):

1. The local amendments contained in PAMC sections 15.04.060 through 15.04.090, 15.04.150, 15.04.170, 15.04.180, 15.04.260, and 15.04.440 through 15.04.670 - relating to general conditions for hazardous materials are necessary modifications to the California Fire Code flammable and hazardous materials sections because they maintain consistency with the Hazardous Materials Storage Ordinance which has been adopted county- wide since 1983. Requirements include safeguards such as monitoring, secondary containment, separation of non-compatibles which prevent incidents should a seismic event, unauthorized release or accident occur.
2. The local amendment contained in PAMC section 15.04.260- Immersion Heaters- is necessary as a fire control measure because it requires additional controls on process heating devices which are often activated when unattended. See Geological Findings 2.
3. The local amendments contained in PAMC 15.04.280 through 15.04.340 relating to fire sprinkler systems are necessary for faster control of fires in the dense populated area and areas in an extended response time of our community to confine a fire to the area of origin rather than spread to neighboring structures.

The modifications contained in these amendments provide additional fire extinguishing systems in new construction, major remodels, additions, and occupancy classification changes to help mitigate the problems identified in Findings 1, 2, and 3, above- Climatic, Geographical and Topographical.

4. The local amendment contained in PAMC section 15.04.320 - Floor control valves is

necessary to provide fire extinguishing control devices that allow systems to remain partially in service while repairs or maintenance are ongoing. See Findings 1 and 2 above- Climatic and Geographical.

5. The local amendments contained in PAMC section 15.04.350 provides emergency lighting, where emergency lighting is required, in public restrooms regardless of size for public safety. See Findings 1, 2, and 3 – Climatic, Geographical and Topographical.

6. The local amendment contained in PAMC section 15.04.360 matches the requirements for exceptions for emergency escapes in basements/storm shelters in local amendment contained in section 16.04.360. See Findings 1 and 2 – Climatic and Geographical.

7. The local amendments contained in PAMC section 15.04.370 and 15.04.380 are recommendations from Santa Clara County Fire Marshals Association to provide code reference to the installation of commercial ESS, and clarifying location for residential ESS to not interfere with emergency escapes or rescue openings.

8. The local amendments contained in PAMC sections 15.04.390 through 15.04.410 provide for additional fire and life safety measures during construction and demolition. See Findings 2 and 3, above- Geographical and Topographical.

9. The local amendments contained in PAMC sections 15.04.060 through 15.04.090, 15.04.150, 15.04.460, and 15.04.620 through 15.04.670 regarding toxic gases incorporate requirements established by the Model Toxic Gas Ordinance and California Fire Code. Administrative and restrictive measures include changes in definitions, quantities regulated, and utilizes County consensus guidelines established by other regional agencies which share similar climatic, geological/geographical, and topographical conditions. See Findings 1, 2 and 3, above- Climatic, Geographical and Topographical.

10. The local amendments contained in PAMC sections 15.04.410 through 15.04.430 set forth protections for urban-wildland interface areas that are necessary to mitigate the additional fire risks in the Palo Alto foothills hazardous fire zone. The modifications contained in these amendments provide for additional precautions against fire risks and additional fire extinguishing systems necessitated by the conditions listed in Findings 1, 2, and 3, above- Climatic, Geographical and Topographical.

11. The local amendments added in PAMC section 15.04.160 - Roof guardrails at interior courts provides for additional fire and life safety measures for firefighters on buildings with unconventional lightwells. See Findings 2 and 3, above- Geographical and Topographical.

12. The local amendments contained in PAMC section 15.04.020 set forth construction and design provisions for residential property to mitigate the additional risk of fire. The

modifications contained in this amendment provide for additional precautions against fire risks necessitated by the conditions listed in Findings 1, 2, and 3, above- Climatic, Geographical and Topographical.

13. The local amendments contained in PAMC section 15.04.100 are necessary to identify the individual responsible who will perform a fire plan review and the requirement of additional information is necessary to aid in a thorough review during the plan review process. The modifications contained in this amendment provide information that will help mitigate fire risks associated by the conditions listed in Findings 1, 2, and 3, above- Climatic, Geographical and Topographical.

14. The local amendment contained in PAMC section 15.04.120 is necessary to identify who has the authority and to establish the frequency to inspect buildings and premises. The modifications contained in this amendment provide for additional precautions to mitigate the problems identified in Findings 1, 2, and 3, above- Climatic, Geographical and Topographical.

15. The local amendment contained in PAMC section 15.04.190 is necessary to set forth a limit of the maximum number of false alarms the city of Palo Alto Fire Department will respond to.

This measure is necessary to prevent fire department resources from responding to non-emergency situations thereby being unavailable to respond to an actual emergency associated with Climatic, Geographical and Topographical conditions listed in Findings 1, 2 and 3 above.

16. The local amendments added in PAMC sections 15.04.200 through 15.04.250 – The Fire Access Roadways and Dimensions requirements are necessary to provide access for effective, efficient and safe firefighting operations. These measures are necessary to prevent a delay in fire department resources responding to and having access to an emergency situation associated with Climatic, Geographical and Topographical conditions listed in Findings 1, 2 and 3 above.

17. The local amendment added in PAMC section 15.04.270 – Prohibitive Locations, is necessary to restrict the use of portable outdoor gas-fired heating appliances in specific locations as these appliances can be a fire hazard that may also contribute to the uncontrolled spread of fire as a result of the Climatic, Geographical, and Topographical conditions described in Findings 1, 2, and 3 above.

18. The local amendment added in PAMC section 15.04.260 relating to the protection of energy storage systems is necessary to prevent potential damage and fire that may also contribute to the uncontrolled spread of fire as a result of the Climatic, Geographical, and Topographical conditions described in Findings 1, 2, and 3 above.

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.04 of the Palo Alto Municipal Code and Adopting a New Chapter 16.04, California Building Code, and a New Chapter 16.19, California Historical Building Code and California Existing Building Code, 2022 Editions, and Local Amendments and Related Findings

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:

**CHAPTER 16.04
CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUMNS 1 & 2**

Sections

- 16.04.010** 2022 California Building Code, Title 24, Part 2, Volumes 1 & 2 adopted and amended.
- 16.04.020** Cross - References to California Building Code.
- 16.04.030** Local Amendments.
- 16.04.040** Adoption of 2022 California Building Code Chapter 1, Division II – Scope and Administration, Part 1 – Scope and Application and Part 2 – Administration and Enforcement.
- 16.04.050** Section 101.1 Title.
- 16.04.060** Section 101.2.1 Appendices.
- 16.04.070** 101.4 Referenced codes.
- 16.04.080** Section 103 Code Compliance Agency.
- 16.04.090** Section 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.
- 16.04.100** Section 104.10.1 Flood hazard area.
- 16.04.110** Section 105.2 Work exempt from permit.
- 16.04.120** Section 105.3.2 Time limitation of application.
- 16.04.130** Section 105.5 Expiration.
- 16.04.140** Section 106.1 Live loads posted.
- 16.04.150** Section 109.6 Refunds.
- 16.04.160** Section 109.7 Re-Inspection fees.
- 16.04.170** Section 110.2.1 Preliminary accessibility compliance inspection.

16.04.180	Section 110.3.3 Lowest floor elevation.
16.04.190	Section 111.1 Use and occupancy.
16.04.200	Section 111.3 Temporary occupancy.
16.04.210	Section 111.5 Posting.
16.04.220	Section 113 Means of Appeals.
16.04.225	Section 114 Violations.
16.04.230	Section 115 Stop Work Order.
16.04.240	Section 502.1 Address identification.
16.04.250	Section 702A Definitions – Wildland-Urban Interface Fire Area.
16.04.260	Section 903.2 Automatic sprinkler systems, where required.
16.04.270	Section 903.3.1.1 NFPA 13 sprinkler systems.
16.04.280	Section 903.3.1.2 NFPA 13R sprinkler systems.
16.04.290	Section 903.3.1.3 NFPA 13D sprinkler systems.
16.04.300	Section 903.3.1.3.1 Increase in fire sprinkler design criteria.
16.04.310	Section 903.4.3 Floor control valves.
16.04.320	Section 905.3.1 Height.
16.04.330	Section 907.2.11.10 Replacement.
16.04.340	Section 909.20.8 Smoke control systems schedule.
16.04.350	Section 1008.3.3 Rooms and spaces.
16.04.360	Section 1031.2 Where required.
16.04.370	Reserved.
16.04.380	Section 1205.3.4 Roof guards at courts.
16.04.390	Section 1208.5 Dwelling unit and congregate residence superficial floor area.
16.04.400	Section 1503.2.1 Locations.
16.04.410	Section 1612.1.1 Palo Alto Flood Hazard Regulations.
16.04.420	Section 1613.5 Suspended ceilings.
16.04.430	Section 1613.5 ASCE 7, Section 13.1.4 Seismic design requirements for nonstructural components.
16.04.440	Section 1705.3 Concrete construction.
16.04.450	Section 1803.2 Investigations required.
16.04.460	Section 1803.5.11 Seismic design categories C through F.
16.04.470	Section 1809.7 Prescriptive footings for light-frame construction.
16.04.480	Section 1809.8 Plain concrete footings.
16.04.490	Section 1901.2 Plain and reinforced concrete.
16.04.500	Section 1905.1.7 ACI 318, Section 14.1.4.
16.04.510	SECTION 1906 FOOTINGS FOR LIGHT-FRAME CONSTRUCTION
16.04.520	Section 1906.1 Plain concrete footings.

- 16.04.530 Section 1907.1 General.**
- 16.04.540 Section 2305.4 Hold-down connections.**
- 16.04.550 Section 2307.2 Wood-framed shear walls.**
- 16.04.560 Section 2308.6.4 Braced wall panel construction.**
- 16.04.570 Section 2308.6.5 Alternative bracing.**
- 16.04.580 TABLE 2308.6.1 WALL BRACING REQUIREMENTS.**
- 16.04.590 TABLE 2308.6.3(1) BRACING METHODS.**
- 16.04.600 Section 2308.6.9 Attachment of sheathing.**
- 16.04.610 SECTION 2505 SHEAR WALL CONSTRUCTION.**
- 16.04.620 Section 2508.6 Horizontal gypsum board or gypsum panel product diaphragm ceilings.**
- 16.04.630 Chapter 31B Public Pools.**
- 16.04.640 Section 3304.1 Excavation and fill.**

- 16.04.010 2022 California Building Code, Title 24, Part 2, Volumes 1 & 2 adopted and amended.**

The California Building Code, 2022 Edition, Title 24, Part 2, Volumes 1 & 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 any former iteration of the California Code of Regulations, Title 24, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5508 of the City of Palo Alto and all other ordinances or parts of ordinances in conflict herewith are hereby 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, 2022 Edition, Title 24, Part 2 of the California Code of Regulations, as adopted by this chapter.

One (1) copy of the California Building Code, 2022 Edition, has been filed for use and examination of the public in the Office of the Chief Building Official of the City of Palo Alto.

16.04.020 Cross - References to California Building Code.

The provisions of this Chapter contain cross-references to the provisions of the California Building Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.04.030 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions

of the California Building Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter. Where used in this Chapter 16.04, ellipses shall indicate text of the California Building Code, 2022 Edition, that has been adopted without amendment but is omitted for brevity.

16.04.040 Adoption of 2022 California Building Code Chapter 1, Division II – Scope and Administration, Part 1 – Scope and Application and Part 2 – Administration and Enforcement

Chapter 1, Division II, Parts 1 – Scope and Application and Part 2 – Administration and Enforcement of the 2022 California Building Code are adopted in their entirety, as amended herein.

16.04.050 Section 101.1 Title.

Section 101.1 of the California Building Code is amended to read:

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

16.04.060 Section 101.2.1 Appendices.

Section 101.2.1 of the California Building Code is amended to read:

The following Appendix chapters and sections of the California Building Code, 2022 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 (Sections I101 through I105)
- B. Appendix J – Grading (Section J109.4 Drainage across property lines)
- C. Appendix P – Emergency Housing (Sections P101 through P110)

16.04.070 101.4 Referenced codes.

Section 101.4 of the California Building Code is amended to add subdivisions 101.4.8 through 101.4.12, as follows:

101.4 Referenced codes. The other codes listed in Section 101.4.1 through 101.4.12 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[. . .]

101.4.8 Historical Buildings. The provisions of the *California Historical Code* shall apply to the alteration, addition, and relocation to qualified historical buildings or properties.

101.4.9 Electrical. The provisions of the *California Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.10 Residential Buildings. The provisions of the *California Residential Code* shall apply to all matters governing the design and construction of detached, one- and two-family dwellings, townhouses not more than three stories and separate means of egress, and structural accessory thereto.

101.4.11 Green Building Standards. The provisions of the *California Green Building Standards Code* shall apply to all matters governing the "green building" related planning, design construction, operation, use and occupancy of newly constructed and altered buildings.

101.4.12 International Swimming and Spa Code. The provisions of the *2021 International Swimming and Spa Code* shall apply to the installation of private swimming pools and spa facilities.

16.04.080 Section 103 Code Compliance Agency.

Section 103 of the California Building Code is amended to read:

103.1 Creation of enforcement agency. The Planning and Development Services Department is hereby created and the official in charge thereof shall be known as the chief building official, also referred to as building official or code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint assistant chief building officials, manager supervisors, and other technical officers, inspectors, and other employees. Such employees shall have powers as delegated by the building official.

16.04.090 Section 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.

Section 104.2.1 of the California Building Code is amended to read:

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction,

rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the city engineer or designee shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the city engineer or designee determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the city engineer or designee shall require the building to meet the requirements of Section 1612 of the *California Building Code*, Section R322 of the *California Residential Code as amended*, or Palo Alto Municipal Code 16.52 Flood Hazard Regulations, whichever is more stringent.

16.04.100 Section 104.10.1 Flood hazard area.

Section 104.10.1 of the California Building Code is amended to read:

104.10.1 Flood hazard areas. The city engineer or designee shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life a property.

16.04.110 Section 105.2 Work exempt from permit.

Section 105.2 of the California Building Code is amended to read:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet (11.15 m²). It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.
2. Wood fences not over 7 feet (2134 mm) high or concrete or masonry wall not over 4 feet (1219 mm) high when not subject to specific city of Palo Alto Planning and Zoning regulations.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Oil derricks.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route, accessible parking spaces, or required exits.
7. Wood decks not over 30 inches above surrounding grade or finishes, not attached to a structure, or serving any part of the means of egress.
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
12. Swings and other playground equipment accessory to detached one- and two- family dwellings and not considered a public playground.
13. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
14. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. **Temporary decorative lighting:** Exterior listed plug-in decorative lighting plugged into a waterproof GFCI receptacle outlet.
5. **Replacement of overcurrent devices:** Replacement of any overcurrent device less than 1,200 amps of the same capacity in the same location.
6. Wiring for temporary theatre, motion picture or television stage sets.
7. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more 50 watts of energy.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its listing/approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided,

however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[. . .]

16.04.120 Section 105.3.2 Time limitation of application.

Section 105.3.2 of Chapter 1 of the California Building Code is amended to read:

105.3.2 Time limitation of application. An accepted application for a permit for any proposed work shall be deemed to have been abandoned twelve (12) months 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 ninety (90) days each. The extension shall be required in writing and justifiable cause demonstrated.

16.04.130 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 twelve (12) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of twelve (12) months 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, as determined by the chief building official, 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 construction documents be revised to partially or fully to comply with current codes and ordinances; and
2. payment of fees; and
3. payment of a penalty pursuant to Chapter 16.62 of the Palo Alto Municipal Code.

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 forty-eight (48) months of permit issuance. Once a term limit has been exhausted without obtaining an approved final inspection the permit will automatically become void. The chief building official or designee is authorized to allow a new permit application to be applied for the original scope of work and may require:

1. that construction documents be revised to partially or fully to comply with current codes and ordinances; and
2. payment of partial or all plan review and permit fees; and
3. payment of a penalty pursuant to Chapter 16.62 of the Palo Alto Municipal Code.

16.04.140 Section 106.1 Live loads posted.

Section 106.1 of the California Building Code is amended to read:

106.1 Live Loads Posted. In commercial, institutional or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

16.04.150 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.

16.04.160 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 designee for each occurrence as itemized below:

1. inspection record card is not posted or otherwise available on the work site;
or

2. approved plans are not readily available for the inspector at the time of inspection; or
3. 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 required revision; or
5. when work for which an inspection is requested is not ready for inspection; or
6. when required corrections noted during prior inspections have not been completed.

When a re-inspection fee is assessed, additional inspection of the work will not be performed until the fee has been paid.**16.04.170Section 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.

16.04.180 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.

16.04.190 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 chief 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 or issued for:

1. Work exempted from permits under Section 105.2
2. Group R – Division 2, 3 occupancies
3. Group U occupancies accessory to R3 and R2 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.

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.

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.

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.

16.04.200 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 or designee 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 or designee shall set a time period during which the temporary certificate of occupancy is valid.

16.04.210 Section 111.5 Posting.

Section 111.5 of Chapter 1 of the California Building Code is added to read:

111.5 Posting. The temporary certificate of occupancy or 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.

16.04.220 Section 113 Means of Appeals.

Section 113 of Chapter 1 of the California Building Code is amended to read:

**SECTION 113
MEANS OF APPEALS**

113.1 Appeals. A person requesting an order, decision, or determination by the building official relative to the California Building Code (as amended) may appeal such order,

decision or determination by completing a request for hearing form and returning it to the City within thirty calendar days from the date of the decision, together with all applicable fees authorized by the City's Municipal Fee Schedule. A request for hearing shall be based on a claim that the true intent of the California Building Code (as amended) or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed.

(a) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

(b) If the building official submits an additional written report concerning the decision to hearing officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five days prior to the date of the hearing.

(c) The appeal procedure set out in this Section 113.1 *et seq.* does not apply to: (1) decisions by the building official or any other City official related to administrative enforcement actions taken under Chapter 1.12 or Chapter 1.16 of the Palo Alto Municipal Code; (2) decisions by the City to enforce the California Building Code under any provision of criminal law; or (3) any other action taken by the City that specifies its own appeal procedure.

113.2 Hearing Officer. The building official shall designate a hearing officer for the appeal hearing. The hearing officer may consist of one person or a body of people. The hearing officer shall not be the building official or any directly subordinate employees.

(a) The hearing officer does not have authority to waive requirements of the California Building Code (as amended) or interpret the administration of the Code.

(b) The hearing officer does not have authority to issue an order, decision, or determination on his or her own authority. This includes the issuance or amendment of building permits.

(c) The hearing officer shall be qualified by experience and training to pass on matters pertaining to building construction.

113.3 Hearing procedures.

(a) No appeal hearing before a hearing officer shall be noticed unless the applicable fee(s) been paid in advance in accordance with Section 113.1.

(b) A hearing before the hearing officer shall be set for a date that is not less than fifteen days and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The party requesting the hearing may request one continuance for any reason, provided that the hearing officer is given the request for continuance at least forty-eight hours in advance of the scheduled hearing and that the deferred hearing shall not be deferred more than ninety days after the request for hearing was made. A request for continuance made less than forty-eight hours before the scheduled hearing may be granted by the hearing officer based upon exigency

only. The parties may stipulate to an alternative hearing date schedule outside of these rules upon a finding of good cause and approval from the hearing officer.

(c) At the hearing, the appellant shall be given the opportunity to testify and to present evidence and cross-examine witnesses concerning the appeal. The appellant may appear personally or through a representative. Prehearing discovery is not authorized, but subpoena of witnesses and documents shall be permitted as authorized by law. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.

(d) The failure of the appellant to appear at the hearing or, in the alternative, to present written or demonstrative evidence shall constitute the dismissal of the appeal with prejudice.

(e) The administrative record and any additional report submitted by the building official shall constitute presumptive evidence of the respective facts contained in those documents. The building official shall have the same rights as the appellant to testify, present evidence, and cross-examine witnesses concerning the appeal.

(f) The hearing officer may continue the hearing and request additional information from the building official or appellant prior to issuing a written decision.

113.4 Hearing Officer's decision.

(a) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or amend the building official's order, decision or determination, and the reasons for that decision. The decision of the hearing officer shall be issued within thirty days following completion of the hearing. The decision of the hearing officer shall be final upon service on the appellant, subject only to judicial review as allowed by law.

(b) The hearing officer shall consider any written or oral evidence submitted at the hearing consistent with ascertainment of the facts regarding the issues of the appeal.

(c) If the hearing officer determines that the building official's order, decision, or determination should not be upheld as originally given, then the hearing officer shall direct the building official to make any amendments or changes necessary to implement the hearing officer's decision. The hearing officer shall also give the building official a reasonable deadline to complete such actions.

(d) The appellant shall be served with a copy of the hearing officer's written decision within ten calendar days following its issuance.

16.04.225 Section 114 Violations.

Section 114 of Chapter 1 of the California Building Code is amended to read:

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SECTION 114 VIOLATIONS

114.1 Unlawful acts. 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, 1.16 and 16.62 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, in his or her sole discretion, 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.

114.2 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, (4) Building Inspector or Building Inspector Specialist as designated by the chief building official and (5) code enforcement officer.

16.04.230 Section 115 Stop Work Order.

Section 115 of Chapter 1 of the California Building Code is amended to read:

SECTION 115 STOP WORK ORDER

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

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

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

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

115.5 Response required. Violators receiving a stop work order are required to respond to Planning and Development Services within five (5) business days of the issued notice to receive instructions on how to rescind the order.

115.6 Permit application required. A building permit application with construction or demolition plans and supporting (structural calculations, energy calculations, accessible access) documents must be submitted for approval within twenty (20) working days following response to Planning and Development Services. Plans will be reviewed and correction letters issued or permit application approved by Planning and Development Services. A response to any correction letter must be submitted within fifteen (15) working days of the date of the correction letter. Ten (10) working days will be required to review this second submission and a permit approved for issuance. Permits ready for issuance must be issued within five (5) working days thereafter. All construction must be inspected as work progresses and signed off by all (affected) departments within the permit term limits outlined in Section 105.5.1 or as determined by the building official.

115.7 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.

16.04.240 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 (12") high is required.

16.04.250 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 beat 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.

16.04.260 Section 903.2 Automatic sprinkler systems, where required.

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

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 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.
3. An automatic sprinkler system shall be provided throughout all new or altered basements used for storage/utility/occupancy or habitable space regardless of size and throughout existing basements that are expanded by more than 50%. If the addition or alteration is only the basement, then only the basement is

required to be fire sprinkler protected.

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

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

16.04.270 Section 903.3.1.1 NFPA 13 sprinkler systems.

Section 903.3.1.1 of Chapter 9 of the California Building Code is amended to read:

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/1500 square feet.
2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.
3. Light hazard occupancy shall be hydraulically designed to a 1500 square feet most remote area or as required by the fire code official
4. Laboratory areas within buildings shall be hydraulically designed to Ordinary Hazard II density.
5. Parking areas where mechanical vehicle storage equipment is used shall be hydraulically designed to Extra Hazard II density.
6. In multi-residential apartments, townhomes, and condominiums.

16.04.280 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:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R

Occupancies, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13 and State and local standards.

16.04.290 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:

903.3.1.3 NFPA 13D sprinkler systems. 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. Fire sprinkler protection is required under rear covered patios extending 4 feet perpendicular from the exterior of the structure.

16.04.300 Section 903.3.1.3.1 Increase in fire sprinkler design criteria.

Section 903.3.1.3.1 of Chapter 9 of the California Building Code is added to read:

903.3.1.3.2 Increase in fire sprinkler design criteria. Structures determined by the fire code official to have higher firefighting hazardous conditions or located in the Wildland-Urban Interface Fire Area shall have an increase in fire sprinkler design criteria as determined by the fire code official.

16.04.310 Section 903.4.3 Floor control valves.

Section 903.4.3 of Chapter 9 of the California Building Code is amended to read:

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.

16.04.320 Section 905.3.1 Height.

Section 905.3.1 of the California Building Code is amended to read:

905.3.1 Height. A Class I standpipe system shall be installed in buildings where the roof edge/parapet is greater than 27 feet above the lowest level of fire apparatus access roadway and in below grade levels.

16.04.330 Section 907.2.11.10 Replacement.

Section 907.2.11.10 of Chapter 9 of the California Building Code is added to read:

907.2.11.10 Replacement. Single and multi-station smoke alarms and carbon monoxide detectors shall be replaced 10 years after date of installation.

16.04.340 Section 909.20.8 Smoke control systems schedule.

Section 909.20.8 is added to the California Building Code to read as follows:

909.20.8 Smoke control systems schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall occur at least annually.

16.04.350 Section 1008.3.3 Rooms and spaces.

Section 1008.3.3 of Chapter 10 of the California Building Code is amended to read:

1008.3.3 Rooms and spaces. In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms.
2. Fire command centers.
3. Fire pump rooms.
4. Generator rooms.
5. Public restrooms.

16.04.360 Section 1031.2 Where required.

Section 1031.2 of Chapter 10 of the California Building Code is amended to read:

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in Group R occupancies.

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. In Group R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.
2. Group R-2.1 occupancies meeting the requirements for delayed egress in accordance with Section 1010.2.13 may have operable windows that are breakable in sleeping rooms permanently restricted to a maximum of 4-inch open position.

3. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior egress balcony that opens to a public way.
4. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²)

16.04.370 Reserved.

16.04.380 Section 1205.3.4 Roof guards at courts.

Section 1205.3.4 of Chapter 12 of the California Building Code is added to read:

1205.3.4 Roof guards at courts. Roof openings into courts where not bounded on all sides by walls shall be protected with guardrails. The top of the guards shall not be less than 42 inches in height. Required guards shall not have openings that allow passage of a sphere twelve inches (12) in diameter from the walking surface to the required guard height.

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

16.04.390 Section 1208.5 Dwelling unit and congregate residence superficial floor area.

Section 1208.5 of Chapter 12 of the California Building Code is added to read:

1208.5 Dwelling unit and congregate residence superficial floor area. Every dwelling unit and congregate residence shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

For the purposes of this section, "superficial floor area" means the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

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16.04.400 Section 1503.2.1 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.

16.04.410 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 more stringent requirements shall apply.

16.04.420 Section 1613.5 Suspended ceilings.

Section 1613.5 of Chapter 16 of the California Building Code is added to read:

1613.5 Suspended ceilings. Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2506.2.1 of this Code and this section.

1613.5.1 Scope. This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7 shall apply except as modified herein.

1613.5.2 General. The suspended ceilings and lighting systems shall be limited to 6 feet (1828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

1613.5.3 Sprinkler heads. All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves, or adaptors through the ceiling tile. Sprinkler heads and other penetrations shall have a 2-inch (50mm) oversize ring, sleeve, or adapter through the ceiling tile to allow for free movement of at least 1 inch (25mm) in all horizontal directions. Alternatively, a swing joint that can accommodate 1 inch (25 mm) of ceiling movement in all horizontal directions is permitted to be provided at the top of the sprinkler head extension.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 714 of this Code.

1613.5.4 Special requirements for means of egress. Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies shall comply with the following provisions.

1613.5.4.1 General. Ceiling suspension systems shall be connected and braced with vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

1613.5.4.2 Assembly device. All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1219 mm) radius of the exit lights and exit signs.

1613.5.4.3 Emergency systems. Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1008.3 of this Code.

1613.5.4.4 Supports for appendage. Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

16.04.430 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:

1613.5 ASCE 7, Section 13.1.4 Seismic design requirements for nonstructural components. Nonstructural elements must be seismically designed per ASCE 7, Section 13.1.4.

Exemptions. The following nonstructural components are exempted:

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 weighs 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 weighs 200 lb. (890N) or less and is suspended from roof/floor or mounted on wall.

16.04.440 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.

Exceptions: Special inspections and tests 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.

16.04.450 Section 1803.2 Investigations required.

Section 1803.2 of Chapter 18 of the California Building Code is amended as to read:

1803.2 Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5

Exceptions:

1. The building official or designee shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.
2. Light-frame construction building utilizing the prescriptive continuous footings per Table 1809.7 amended in section 16.04.300. For addition, the engineer of record shall certify in writing that the existing foundation system matches the proposed foundation system.
3. Accessories and minor additions may be exempted by the Building Official or designee.

16.04.460 Section 1803.5.11 Seismic design categories C through F.

Section 1803.5.11 of Chapter 18 of the California Building Code is amended to read:

Section 1803.5.11 Seismic design categories C through F. For structures assigned to Seismic Design Category C, D, E or F, a geotechnical investigation shall be conducted, and shall include an evaluation of all of the following potential geologic and seismic hazards:

1. Slope instability.
2. Liquefaction.
3. Total and differential settlement.
4. Surface displacement due to faulting or seismically induced lateral spreading or lateral flow.

Exception: Refer to section 1803.2 exception.

16.04.470 Section 1809.7 Prescriptive footings for light-frame construction.

Section 1809.7 of Chapter 18 of the California Building Code is amended to read:

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7.

TABLE 1809.7
Prescriptive Footings Supporting Walls of Light-Frame Construction^{abcd}

Number of Floors Supported by the Footing ^e	Thickness of Foundation Wall (inches)	Width of Footing (inches)	Thickness of Footing (inches)	Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)
1 & 2	8	15	8	20
3	8	18	8	30
Group U Occupancies	8	12	8	12
ADU Conversions ^f	8	12	8	12

- a. Ground under the floor shall be permitted to be excavated to elevation of footing.
- b. Interior stud-bearing walls shall be permitted to be supported by isolated footings. 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 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.

16.04.480 Section 1809.8 Plain concrete footings.

Section 1809.8 of Chapter 18 of the California Building Code is deleted.

16.04.490 Section 1901.2 Plain and reinforced concrete.

Section 1901.2 of Chapter 19 of the California Building Code is amended to read:

1901.2 Plain and reinforced concrete. Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 as amended in section 1905 of this code and PAMC 16.14.240. Except for the provisions of Sections 1904 and 1907, the design and construction of slabs on grade shall not be governed by this chapter unless they transmit vertical loads or lateral forces from other parts of the

structure to the soil.

16.04.500 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.

16.04.510 SECTION 1906 FOOTINGS FOR LIGHT-FRAME CONSTRUCTION

Section 1906 of Chapter 19 of the California Building Code is deleted.

16.04.520 Section 1906.1 Plain concrete footings.

Section 1906.1 of Chapter 19 of the California Building Code is deleted.

16.04.530 Section 1907.1 General.

Section 1907.1 of Chapter 19 of the California Building Code is amended to read:

1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall be not less than 3 ½ inches (89mm). A 6-mil (0.006 inches; 0.15mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab. Slabs shall have 6x6-10/10 wire mesh or equate a mid-height.

Exceptions: A vapor retarder is not required:

1. For detached [. . .]

16.04.540 Section 2305.4 Hold-down connections.

Section 2305.4 of Chapter 23 of the California Building Code is added to read:

2305.4 Hold-down connectors. In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

16.04.550 Section 2307.2 Wood-framed shear walls.

Section 2307.2 of Chapter 23 of the California Building Code is added to read:

Section 2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

16.04.560 Section 2308.6.4 Braced wall panel construction.

Section 2308.6.4 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 spaced 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 studding 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.

16.04.570 Section 2308.6.5 Alternative bracing.

Section 2308.6.5 of Chapter 23 of the California Building Code is amended to read:

2308.6.5 Alternative 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.

16.04.580 TABLE 2308.6.1 WALL BRACING REQUIREMENTS.

Footnote “b” of TABLE 2308.6.1 of Chapter 23 of the California Building Code is amended to read:

b. See section 2306.3 for full description of bracing methods. Method GB is prohibited in Seismic Design Categories D & E.

16.04.590 TABLE 2308.6.3(1) BRACING METHODS.

TABLE 2308.6.3(1) Bracing Methods of Chapter 23 of the California Building Code is amended by adding footnote “b” and footnote “b” superscript to METHODS, MATERIAL column title as follows:

TABLE 2308.6.3(1) BRACING METHODS

METHODS, MATERIAL ^b	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA ^a	
			Fasteners	Spacing

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

16.04.600 Section 2308.6.9 Attachment of sheathing.

Section 2308.6.9 of Chapter 23 of the California Building Code is amended to read:

2308.6.9 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.6.1 or 2304.10.2. Wall sheathing shall not be attached to framing members by adhesives. Staple fasteners in Table 2304.10.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E, or F unless the allowable shear values are substantiated by cyclic testing and approved by the Building Official or designee.

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.

16.04.610 SECTION 2505 SHEAR WALL CONSTRUCTION.

Section 2505 Chapter 25 of the California Building Code is deleted in its entirety including its subsections.

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16.04.620 Section 2508.6 Horizontal gypsum board or gypsum panel product diaphragm ceilings.

Section 2508.6 of the California Building Code is deleted in its entirety including its subsections.

16.04.630 Chapter 31B Public Pools.

Chapter 31B of the California Building Code has been adopted in its entirety.

16.04.640 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.

SECTION 2. Chapter 16.19, California Historical Building Code and Existing Building Code, of Title 16 (Building Regulations) of the Palo Alto Municipal Code is added to read as follows:

**CHAPTER 16.19
CALIFORNIA HISTORICAL BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 8
and
CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

Sections

- 16.04.010 2022 California Historical Building Code, Title 24, Part 8 adopted.**
- 16.19.020 2022 California Existing Building Code, Title 24, Part 10 adopted and amended.**
- 16.19.030 Cross - References to California Existing Building Code.**
- 16.19.040 Local Amendments.**
- 16.19.050 101.6 Appendices.**
- 16.19.060 Administration & Enforcement of 2022 California Existing Building Code**
- 16.19.070 Adoption of 2022 California Existing Building Code Chapter 1, Division II – Scope and Administration**
- 16.19.080 Section 101.1 Title.**

- 16.19.090** **Section 324 Dwelling unit and congregate residence superficial floor area.**
- 16.19.100** **Section 503.19 Suspended ceilingsystems.**
- 16.19.110** **Section 503.20 Mechanical and electrical equipment in seismic design categories D, E or F.**
- 16.19.120** **Section 405.2.3.1 Seismic evaluation and design procedures for repairs.**

16.19.010 **2022 California Historical Building Code, Title 24, Part 8 adopted.**

The California Historical Building Code, 2022 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, 2022 Edition, has been filed for use and examination of the public in the Office of the Chief Building Official of the City of Palo Alto.

16.19.020 **2022 California Existing Building Code, Title 24, Part 10 adopted and amended.**

The California Existing Building Code, 2022 Edition, Title 24, Part 10 of the California Code of Regulations, which provides alternative building regulations for the rehabilitation, preservation restoration or relocation of existing buildings, 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.

One copy of the California Existing Building Code, 2022 Edition, has been filed for use and examination of the public in the Office of the Chief Building Official of the City of Palo Alto.

16.19.030 **Cross - References to California Existing Building Code.**

The provisions of this Chapter contain cross-references to the provisions of the California Existing Building Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.19.040 **Local Amendments.**

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Existing Building Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.19.050 **101.6 Appendices.**

Section 101.6 of Chapter 1 of the California Existing Building Code is amended to read:

2022 California Existing Building Code and International Existing Building Code Appendix Chapters Adopted.

The following Appendix Chapters of the California Existing Building Code (CEBC), 2022 Edition, and International Existing Building Code (IEBC), 2021 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. CEBC 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

16.19.060 Administration & Enforcement of 2022 California Existing Building Code

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.19.070 Adoption of 2022 California Existing Building Code Chapter 1, Division II – Scope and Administration

Chapter 1, Division II, Parts 1 and 2 of the 2022 California Existing Building Code is adopted by the City of Palo Alto to supplement, to the extent it does not conflict with, Chapter 1, Division II of the 2022 California Building Code, as amended.

16.19.080 Section 101.1 Title.

Section 101.1 of Chapter 1 of the California Existing Building Code is amended to read:

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

16.19.090 Section 324 Dwelling unit and congregate residence superficial floor area.

Section 324 of Chapter 3 of the California Existing Building Code is added to read:

324 Dwelling unit and congregate residence superficial floor area. Every dwelling unit and congregate residence shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a

sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

For the purposes of this section, "superficial floor area" means the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

16.19.100 Section 503.19 Suspended ceiling systems.

Section 503.19 of Chapter 5 the California Existing Building Code is added to read:

503.19 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.

16.19.110 Section 503.20 Mechanical and electrical equipment in seismic design categories D, E or F.

Section 503.20 of Chapter 5 of the California Existing Building Code is added to read:

503.20 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.

16.19.120 Section 405.2.3.1 Seismic evaluation and design procedures for repairs.

Section 405.2.3.1 of Chapter 5 of the California Existing Building Code 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.
3. 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		
RISK CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL *
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Damage Control	Limited Safety
IV	Immediate Occupancy (IO)	Life Safety (LS)
* Only applicable when Tier 3 procedure is used.		

405.2.3.1.2 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.

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.

SECTION 3. The Council adopts the findings for local amendments to the California Building Code, 2022 Edition, attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 4. The Council adopts the findings for local amendments to the California Existing Building Code, 2022 Edition, attached hereto as Exhibit “B” and incorporated herein by reference.

SECTION 5. 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.

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SECTION 6. 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:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

Director of Administrative Services

Exhibit A**FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA BUILDING CODE,
TITLE 24, PART 2, VOLUMES 1 AND 2**

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.

Code: California Building Code, Title 24, Part 2, Volumes 1 and 2					
Chapter(s), Section(s), Table(s), Appendices	Title	Added	Amended	Deleted	Justification (See below for keys)
Ch. 1, Div. II	SCOPE OF ADMINISTRATION	✓			A
Part 1	Scope of Application	✓	✓		A
Part 2	Administration and Enforcement	✓	✓		A
101.1	Title		✓		A
101.2.1	Appendices		✓		A
101.4	Referenced codes		✓		A
101.4.8	Historical Buildings	✓			A
101.4.9	Electrical	✓			A
101.4.10	Residential Buildings	✓			A
101.4.11	Green Building Standards	✓			A
101.4.12	International Swimming and Spa Code	✓			A
103.1	Creation of enforcement agency		✓		A
103.2	Appointment		✓		A
103.3	Deputies		✓		A
104.2.1	Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard zones		✓		C, T
104.10.1	Flood hazard area		✓		C, G, T

105.2	Work exempt from work		✓		A
105.3.2	Time limitation of applications		✓		A
105.5	Expiration		✓		A
105.5.1	Term limits for permits		✓		A
106.1	Live load posted		✓		G, T
109.6	Refunds		✓		A
109.7	Re-Inspection fees	✓			A
110.2.1	Preliminary accessibility compliance inspection	✓			A
110.3.3	Lowest floor elevation		✓		A
111.1	Use and occupancy		✓		A
111.1.1	Change of occupancy or tenancy	✓			A
111.3	Temporary occupancy		✓		A
111.5	Posting	✓			A
113.1	Means of Appeals		✓		A
114.1	Unlawful acts		✓		A
114.2	Criminal enforcement authority		✓		A
115.1	Authority		✓		A
115.2	Issuance		✓		A
115.3	Unlawful continuance		✓		A
115.4	Removal of posted stop work order		✓		A
115.5	Response required	✓			A
115.6	Permit application required	✓			A
115.7	Stop work order penalty	✓			A
502.1	Address identification		✓		T
502.1.1	Address illumination	✓			T
502.1.2	Address identification size	✓			T
702A	WILDLAND-URBAN INTERFACE FIRE AREA - Definitions	✓			C, T
903.2	Automatic sprinkler system, where required		✓		
903.3.1.1	NFPA 13 sprinkler systems		✓		G, T
903.3.1.2	NFPA 13R sprinkler systems		✓		G, T
903.3.1.3	NFPA 13D sprinkler systems		✓		G, T
903.3.1.3.1	Increase in fire sprinkler design criteria	✓			G, T
903.4.3	Floor control valves		✓		G, T

905.3.1	Height		✓		G, T
907.2.11.10	Replacement	✓			G, T
909.20.7	Smoke control systems	✓			G, T
1031.2	Where required	✓			G, T
1008.3.3	Rooms and spaces		✓		G, T
1205.3.4	Roof guards at courts	✓			G
1208.5	Dwelling unit and congregate residence superficial floor area	✓			A, G
1503.2.1	Locations		✓		C
1612.1.1	Palo Alto Flood Hazard Regulations	✓			C, T
1613.5	Suspended ceilings	✓			G
1613.5.1	Scope	✓			G
1613.5.2	General	✓			G
1613.5.3	Sprinkler heads	✓			G
1613.5.4	Special requirements for means of egress	✓			G
1613.5.4.1	General	✓			G
1613.5.4.2	Assembly device	✓			G
1613.5.4.3	Emergency systems	✓			G
1613.5.4.4	Supports for appendage	✓			G
1613.5	ASCE 7, Section 13.1.4 Seismic design requirements for nonstructural components		✓		G
1705.3	Concrete construction		✓		G
1803.2	Investigations required		✓		G
1803.5.11	Seismic design categories C through F		✓		G, T
1809.7	Prescriptive footings for light-frame construction	✓			G, T
Tbl. 1809.7	Prescriptive footings for light-frame construction	✓			G, T
1809.8	Plain concrete footings			✓	G, T
1901.2	Plain and reinforced concrete		✓		G, T
1905.1.7	ACI 318, Section 14.1.4		✓		G, T
1906	FOOTINGS FOR LIGHT-FRAME CONSTRUCTION			✓	G, T
1906.1	Plain concrete footings			✓	G, T
1907.1	General		✓		G, T
2305.4	Hold-down connections	✓			G, T

2307.2	Wood-framed shear walls	✓			G, T
2308.6.4	Braced wall panel construction		✓		G, T
2308.6.5	Alternative bracing		✓		G, T
Tbl. 2308.6.1	Wall Bracing Requirements. Footnote "b"		✓		G, T
Tbl. 2308.6.3(1)	Bracing Methods Footnote "b"		✓		G, T
2308.6.9	Attachment of sheathing		✓		G, T
2505	SHEAR WALL CONSTRUCTION			✓	G, T
2508.6	Horizontal gypsum board or gypsum panel product diaphragm ceilings			✓	G, T
Ch. 31B	Public Pools	✓			G, T
3304.1	Excavation and fill		✓		G, T
Appx. I	Patio Covers	✓			A, G
Appx. J	Grading (Section J109.4 Drainage across property lines)	✓			G, T
Appx. P	Emergency Housing	✓			A, C, G, T

Exhibit B**FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA EXISTING BUILDING CODE,
Title 24, Part 10**

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.

Code: California Existing Building Code, Title, 24, Part 10					
Chapter(s), Section(s), Table(s), Appendices	Title	Added	Amended	Replaced	Justification (See below for keys)
101.6	Appendices				A
Ch. 1, Div. II	Scope and Administration	✓			A
101.1	Title		✓		A
324	Dwelling unit and congregate residence superficial floor area.	✓			A, G
503.19	Suspended ceiling system	✓			G
503.20	Mechanical and electrical equipment in seismic design categories D, E or F	✓			G
405.2.3.1	405.2.3.1 Seismic evaluation and design procedures for repairs		✓		G
405.2.3.1.1	CEBC level seismic forces		✓		G
Tbl. 405.2.3.1	ASCE 41 PERFORMANCE LEVELS		✓		G
405.2.3.1.2	Reduced CEBC level seismic forces		✓		G
Appx. A1	Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings	✓			G, T

Appx. A2	Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms	✓			G, T
Appx. A3	Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings	✓			G, T
Appx. A4	Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls	✓			G, T
Appx. A5	Referenced Standards	✓			G, T

Key to Justification for Amendments to Title 24 of the California Code of Regulations

A This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).

C This amendment is justified based on 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 based on 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 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 wastewater 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 Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2022 Edition, and Local Amendments and Related Findings

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

SECTION 1. Chapter 16.05 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety 16.05 and adopting a new Chapter 16.05 to read as follows:

**CHAPTER 16.05
CALIFORNIA MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

Sections

- 16.05.010** **2022 California Mechanical Code, Title 24, Part 4 adopted and amended.**
- 16.05.020** **Cross - References to California Mechanical Code.**
- 16.05.030** **Local Amendments.**
- 16.05.040** **Administration & Enforcement of 2022 California Mechanical Code.**
- 16.05.045** **Adoption of Chapter 1, Division II Administration.**
- 16.05.050** **Section 102.8 Appendices.**
- 16.05.060** **Section 104.2 Exempt from this code.**
- 16.05.070** **Section 510.7 Interior installations.**

16.05.010 **2022 California Mechanical Code, Title 24, Part 4 adopted and amended.**

The California Mechanical Code, 2022 Edition, Title 24, Part 4 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 editions of the California Code of Regulations, Title 24 shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5478 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 Mechanical Code" or "Mechanical 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 Mechanical Code, 2022 Edition, Title 24, Part 4 of the California Code of Regulations, as adopted by this Chapter.

One copy of the California Mechanical Code, 2022 edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.05.020 Cross - References to California Mechanical Code.

The provisions of this Chapter contain cross-references to the provisions of the California Mechanical Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.05.030 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Mechanical Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.05.040 Administration & Enforcement of 2022 California Mechanical Code.

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.05.045 Adoption of Chapter 1, Division II Administration.

Chapter 1, Division II Administration of the 2022 California Mechanical Code is adopted by the City of Palo Alto to supplement, to the extent it does not conflict with, Chapter 1, Division II of the 2022 California Building Code, as amended.

16.05.050 Section 102.8 Appendices.

The following Appendix Chapters of the California Mechanical Code, 2022 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 B – Procedures to be followed to place gas equipment in operation
- B. Appendix C – Installation and testing of oil (liquid) fuel-fired equipment
- C. Appendix G – Sizing of venting systems and outdoor combustion and ventilation opening design

16.05.060 Section 104.2 Exempt from this code.

Subdivision (6) of Section 104.2 of Chapter 1 of the California Mechanical Code is added to read:

- (6) **ADDITIONAL EXCEPTIONS:** Reference **Mechanical Section** under **PAMC 16.04.110 Section 105.2 Work exempt from permit.**

16.05.070 Section 510.7 Interior installations.

Section 510.7 of Chapter 5 of the California Mechanical Code is amended to read:

Section 510.7 Interior installations. In all buildings, the ducts shall be enclosed in a continuous enclosure extending from the lowest fire-rated ceiling or floor above the hood, through any concealed spaces, to or through the roof so as to maintain the

integrity of the fire separations required by the applicable building code provisions. The enclosure shall be sealed around the duct at the point of penetration of the lowest fire-rated ceiling or floor above the hood in order to maintain the fire resistance rating of the enclosure and shall be vented to the exterior of the building through weather-protected openings. [NFPA 96:7.7.1.2 – 7.7.1.4]

SECTION 2. The Council adopts the findings for local amendments to the California Mechanical Code, 2022 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:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and Development Services

Director of Administrative Services

Exhibit A
FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA MECHANICAL CODE,
TITLE 24, PART 4

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.

Code: California Mechanical Code, Title, 24, Part 4					
Chapter(s), Sections(s), Appendices	Title	Added	Amended	Replaced	Justification (See below for keys)
Ch. 1, Div. II	ADMINISTRATION	✓			A
102.8	Appendices		✓		A
	Administration and Enforcement	✓			A
104.2	Exempt from this code	✓			A
510.7	Interior installations		✓		G
Appx. B	Procedures to be followed to place gas equipment in operation	✓			A
Appx. C	Installation and testing of oil (liquid) fuel-fired equipment	✓			A
Appx. G	Sizing of venting system and outdoor combustion and ventilation opening design	✓			A

Key to Justification for Amendments to Title 24 of the California Code of Regulations

A This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).

C This amendment is justified based on 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 based on 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 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 wastewater 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 Repealing Chapter 16.06 of the Palo Alto Municipal Code and Adopting a New Chapter 16.06, California Residential Code, 2022 Edition, and Local Amendments and Related Findings, and Amending Section Chapter 16.52, Flood Hazard Regulations, to Make Conforming Changes

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:

**CHAPTER 16.06
2022 California Residential Code,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5**

Sections

- 16.06.010** 2022 California Residential Code adopted and amended.
- 16.06.015** Local Amendments.
- 16.06.020** 2022 California Residential Code Appendix Chapters adopted.
- 16.06.030** Cross - References to California Residential Code.
- 16.06.040** Administration of California Residential Code.
- 16.06.050** Section R202 Definitions.
- 16.06.060** Table 301.2 Climatic and Geographic Design Criteria.
- 16.06.070** Section R301.2.2.6 Irregular buildings.
- 16.06.075** Section R304.4 Dwelling unit and congregate residence superficial floor area.
- 16.06.080** Section R310 Emergency escape and rescue openings.
- 16.06.090** Section R310.4.2.3 Window well fall protection.
- 16.06.100** Section R310.4.1 Security bars.
- 16.06.110** Section R313.1.1 Design and installation.
- 16.06.120** Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.
- 16.04.130** Section R313.2.1 Design and installation.
- 16.04.140** Section R313.2.2 NFPA 13D sprinkler systems increase in design requirements.
- 16.04.150** Section R313.3 Dwelling unit fire sprinkler systems.
- 16.06.160** Section R314.1 Smoke detection and notification.
- 16.06.170** Section R314.1.1 Smoke alarms or detector end of life replacement
- 16.06.180** Section R315.7.5. Carbon Monoxide alarms

- 16.06.190 Section R319.1 Address numbers.**
- 16.06.200 Section R322.1 General (Palo Alto Flood Hazard Regulations).**
- 16.06.210 Section R337.1.5 Vegetation management compliance**
- 16.06.220 Section R401 GENERAL**
- 16.06.225 Section R402.2.1 Materials for concrete**
- 16.06.230 Section R403 FOUNDATION.**
- 16.06.240 Section R404.1.3 Concrete foundation walls.**
- 16.06.250 Section R504.3.1 Projections exposed to weather**
- 16.06.260 Section R506.1 General**
- 16.06.270 Section R602.10.4.5 Limits on methods GB and PCP**
- 16.06.280 Table R602.10.3(3) Bracing requirements based on seismic design category**
- 16.06.290 Section R608.5 Materials**
- 16.06.300 Section R703.8.5.1 Locations.**
- 16.06.310 Section R902.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area**
- 16.06.320 Section R1003.9.2.1 Repairs, replacements, and alterations**
- 16.06.330 Section AJ103 Preliminary Meeting**

16.06.010 2022 California Residential Code adopted and amended.

The California Residential Code, 2022 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, 2019, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5509 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, 2022 Edition, Title 24, Part 2.5 of the California Code of Regulations, as adopted by this Chapter.

One copy of the California Residential Code, 2022 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.06.015 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Residential Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

Where used in this Chapter 16.06, ellipses shall indicate text of the California Residential Code, 2022 Edition, that has been adopted without amendment but is omitted for brevity.

16.06.020 2022 California Residential Code Appendix Chapters adopted.

The following Appendix Chapters of the California Residential Code, 2022 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 AH – Patio Covers
- B. Appendix AJ – Existing Building and Structures
- C. Appendix AK – Sound Transmission
- D. Appendix AX – 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, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.06.040 Administration of California Residential Code

Chapter 1, Division II of the 2022 California Residential Code is replaced in its entirety by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.06.050 Section R202 Definitions.

Section R202 of the California Residential Code is amended to include the following definitions:

SUPERFICIAL FLOOR AREA. "Superficial floor area" is the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

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.

16.06.060 Table 301.2 Climatic and Geographic Design Criteria.

Table 301.2 of the California Residential Code is amended to read:

**TABLE R301.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM		
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite
0	92	No	D0 thru E	Negligible	5"	Very High

WINTER DESIGN TEMP. (°F)	ICE BARRIER UNDERLAYEMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP. (°F)
40	No	See Footnotes p thru r	0	55

p The City of Palo Alto entered National Flood Insurance Program in 1979.

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)

16.06.070 Section R301.2.2.6 Irregular buildings.

Section R301.2.2.6 of the California Residential Code is amended as follows:

The seismic provisions of this code shall not be used for structures, or portions thereof, located in Seismic Design Categories C, D0, D1 and D2 and considered to be irregular in accordance with this section. A building or portion of a building shall be considered to be irregular where one or more of the conditions defined in Items 1 through 8 occur. Irregular structures, or irregular portions of structures, shall be designed in accordance with accepted engineering practice to the extent the irregular features affect the performance of the remaining structural system. Where the forces associated with the irregularity are resisted by a structural system designed in accordance with accepted engineering practice, the remainder of the building shall be permitted to be designed using the provisions of this code.

1. Shear wall or braced wall offsets out of plane. Conditions where exterior shear wall lines or braced wall panels are not in one plane vertically from the foundation to the uppermost story in which they are required.

2. Lateral Support of roofs and floors. Conditions where a section of floor or roof is not

laterally supported by shear walls or braced wall lines on all edges.

Exception: Portions of floors that do not support shear walls, braced wall panels above, or roofs shall be permitted to extend not more than 6 feet (1829 mm) beyond a shear wall or braced wall line.

3. Shear wall or braced wall offsets in plane. Conditions where the end of a braced wall panel occurs over an opening in the wall below.

4. Floor and roof opening. Conditions where an opening in a floor or roof exceeds the lesser of 12 feet (3658 mm) or 50 percent of the least floor or roof dimension.

5. Floor level offset. Conditions where portions of a floor level are vertically offset.

6. Perpendicular shear wall and wall bracing. Conditions where shear walls and braced wall lines do not occur in two perpendicular directions.

7. Wall bracing in stories containing masonry or concrete construction. Conditions where stories above grade plane are partially or completely braced by wood wall framing in accordance with Section R602 or cold-formed steel wall framing in accordance with Section R603 include masonry or concrete construction. Where this irregularity applies, the entire story shall be designed in accordance with accepted engineering practice.

Exceptions: Fireplaces, chimneys and masonry veneer in accordance with this code.

8. Hillside light-frame construction. Conditions in which all of the following apply:

8.1 The grade slope exceeds 1 unit vertical in 5 units horizontal where averaged across the full length of any side of the dwelling.

8.2 The tallest cripple wall clear height exceeds 7 feet (2134 mm), or where a post and beam system occurs at the dwelling perimeter, the post and beam system tallest post clear height exceeds 7 feet (2134 mm).

8.3 Of the total plan area below the lowest framed floor, whether open or enclosed, less than 50 percent is living space having interior wall finishes conforming to Section R702.

Where Item 8 is applicable, design in accordance with accepted engineering practice shall be provided for the floor immediately above the cripple walls or post and beam system and all structural elements and connections from this diaphragm down to and including connections to the foundation and design of the foundation to transfer lateral loads from the framing above.

Exception: Light-frame construction in which the lowest framed floor is supported directly on concrete or masonry walls over the full length of all sides except the downhill side of the dwelling need not be considered an irregular dwelling under

Item 8.

16.06.75 Section R304.4 Dwelling unit and congregate residence superficial floor area.

Section R304.4 of the California Residential Code is amended to read:

R304.4 Dwelling unit and congregate residence superficial floor area. Every dwelling unit and congregate residence shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

For the purposes of this section, "superficial floor area" means the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

16.06.080 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)

16.06.090 Section R310.4.2.3 Window well fall protection.

Section R310.4.2.3 of the California Residential Code is added to read:

R310.4.2.3 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 R310.4.2.1 and shall extend from the bottom of the well to the top of the guard. Grates or similar barriers shall not be installed over the window well.

16.06.100 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.

16.06.110 Section R313.1.1 Design and installation.

Section 313.1.1 of the California Residential Code is amended to read:

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

16.06.120 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 and contain no interior plumbing fixtures.

2. 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.
3. An automatic sprinkler system shall be provided throughout all new or altered basements used for storage/utility/occupancy or habitable space regardless of size and throughout existing basements that are expanded by more than 50%.

If the addition or alteration is only the basement, then only the basement is required to be fire sprinkler protected

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

16.04.130 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. 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. Fire sprinkler protection is required under rear covered patios extending over 4 feet perpendicular from the exterior of the structure.

16.04.140 Section R313.2.2 NFPA 13D sprinkler systems increase in design requirements.

Section R313.2.2 of the California Residential Code is added to read as follows:

R313.2.2 Section R313.2.2 NFPA 13D sprinkler systems increase in design requirements. In a higher fire fighting hazardous conditions a four head fire sprinkler calculation and coverage in all closets, bathrooms and attics will be required in Residential and Group U Occupancies as determined by the Fire Code Official in the following conditions:

1. Structures located in the High Hazardous Fire Areas.
2. Structures where the combined fire area is 3600 sq ft or larger.
3. Structures located 150 ft or greater from the Fire Department access roadways.
4. Basements and below grade structures.

16.04.150 Section R313.3 Dwelling unit fire sprinkler systems.

Section R313.3 of the California Residential Code is deleted in its entirety and amended as follows:

R313.3 Dwelling unit fire sprinkler systems. Fire sprinkler systems shall be designed and installed in accordance with NFPA 13D, State and local standards.

16.06.160 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 photoelectric smoke alarm or detector shall be installed if located within 20 feet to a kitchen, fireplace or woodburning stove or within 5 feet of a bathroom.

16.06.170 Section R314.1.1 Smoke alarms or detector end of life replacement.

Section R314.2 of the California Residential Code is added to read:

R314.1.1 Smoke alarms or detector end of life replacement. Smoke alarms or detectors shall be replaced every 10 years or according to the manufacture guidelines, whichever is more restrictive.

16.06.180 Section R315.7.5. Carbon Monoxide alarms.

Section R315.7.5 of the California Residential Code is added to read:

R315.7.5 Carbon Monoxide alarms or detectors end of life replacement. Carbon monoxide alarms or detectors shall be replaced every 10 years or according to the manufacture guidelines, whichever is more restrictive.

16.06.190 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 (12") high is required.

16.06.200 Section R322.1 – General (Palo Alto Flood Hazard Regulations).

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 R322, 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 more stringent requirements shall apply.

16.06.210 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.

16.06.220 Section R401 GENERAL.

Section 401 of the California Residential Code is amended to read:

R401.1 – R401.3 {CRC text not modified}

R401.4 Soils tests. Exception is added at end of the CRC text as follows:

Exception: Refer to PAMC 16.04.295

R401.4.1 Geotechnical evaluation. When permitted by the building official or designee,

in lieu of a complete geotechnical evaluation, the load bearing values in T401.4.1 shall be assumed.

R401.4.1.1 – R401.4.2 {CRC text not modified}

16.06.225 Section R402.2.1 Materials for concrete.

Section 402.2.1 of the California Residential Code is amended to read:

R402.2.1 Materials for concrete. Materials for concrete shall comply with the requirements of Section R608.5.1, as amended by PAMC 16.14.250.

16.06.230 Section R403 FOUNDATION.

Section R403 of the California Residential Code is amended as follows:

R403.1 – R403.1.1 {CRC text not modified}

R403.1.2 Continuous footing in Seismic Design Categories D0, D1, and D2. Exterior walls of buildings located in Seismic Design Categories D0, D1 and D2 shall be supported by continuous solid or fully grouted masonry or concrete footings. All required interior braced wall panels in buildings located in Seismic Design Categories D0, D1 and D2 shall be supported on continuous foundations.

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.

R403.1.3.3 – R403.1.7.4 {CRC text not modified}

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 as amended in Municipal Code Section 16.04.300.

R403.1.8.1 {CRC text not modified}

16.06.240 Section R404.1.3 Concrete foundation walls.

Section 404.1.3 of the California Residential Code is amended to read:

R404.1.3 Concrete Foundation Walls. *Concrete* foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332, or PCA 100, as amended by PAMC Section 16.14.250. *Concrete* foundation walls that support above-grade *concrete* walls that are within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332, or PCA 100, as amended by PAMC Section 16.14.250. *Concrete* foundation walls that support above-grade *concrete* walls that are not within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of ACI 318, ACI 332, or PCA 100, as amended by PAMC Section 16.14.250. When ACI 318, ACI 332, PCA 100 or the provisions of this section, as amended by PAMC Section 16.14.250 are used to design *concrete* foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

16.06.250 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.

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16.06.260 Section R506.1 General.

Section R506.1 of the California Residential Code is amended to read:

R506.1 General. Concrete slab-on-ground floors shall be designed and constructed in accordance with the provisions of this section of ACI 332, as amended by PAMC Section 16.14.250. Floors shall be a minimum 3 1/2 inches (89mm) thick (for expansive soils, see Section R403.1.8). The specified compressive strength of *concrete* shall be as set forth in Section R402.2.

16.06.270 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 from 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.

16.06.280 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:

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

16.06.290 Section R608.5 Materials.

Section R608.5 of the California Residential Code is amended to read:

R608.5 Materials. Materials used in the construction of concrete walls shall comply with this section, as amended by PAMC Chapter 16.14.250.

16.06.300 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.

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16.06.310 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.

16.06.320 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.

16.06.330 Section AJ103 Preliminary Meeting.

Section AJ103 of Appendix AJ 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, 2022 Edition, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Section 16.52.040 (Definitions) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is amended to read as follows (additions underlined, deletions ~~struck through~~, and omissions of unchanged language noted by [. . .]):

16.52.040 Definitions

(a) The definitions contained hereafter shall govern the interpretation of the terms defined for the purposes of this chapter, except where the context clearly requires otherwise. Words used in this chapter and not defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

(2) "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(3) "Area of Special Flood Hazard." See "Special flood hazard area."

(4) "Base flood" or "one-hundred-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(5) "Base flood elevation (BFE)" means elevation of flooding, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM) having a 1% chance of being equaled or exceeded in any given year.

(6) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(7) "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(8) "Coastal high hazard area" is the area subject to high velocity waters, including coastal and tidal and inundation or tsunamis. The area is designated on the Flood Insurance Rate Map as Zone V1 - V30, VE or V.

(9) "Design Flood Elevation (DFE) elevation of the design flood, including wave height, relative to the datum specified on the community's flood hazard map.

(10) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or bulk storage of equipment or materials.

(11) "Dry Floodproofing" a combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

(12) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (A) the overflow of floodwaters, (B) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (C) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(13) "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

(14) "Flood Control Project" means a dam or barrier design and constructed to keep water away from or out of a specific area, including but not limited to levees, floodwalls and channelization.

(15) "Flood Insurance Rate Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(16) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(17) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any flood.

(18) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(19) "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State of California or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(20) "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to non-residential structures which reduce or eliminate flood

damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(21) "Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(22) "Functionally dependent use" means a use which has an intended purpose that cannot be performed, unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(23) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed ~~walls~~ foundation of a structure.

(24) "Historic structure" means any structure that is listed individually in the National Register of Historic Places or in the State of California Register of Historical Resources or any structure that is listed individually in the current edition of the Palo Alto Master List of Structures on the Historic Inventory in Category 1 "Exceptional Building" or Category 2 "Major Building" or any structure that has been certified by the Keeper of the National Register as contributing to the historical significance of a registered historic district.

(25) "Hydrodynamic Loads" loads imposed on an object by water flowing against and around it.

(26) "Hydrostatic Loads" loads imposed on an object by standing mass of water.

(27) "Letter of map change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study through a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) or Letter of Map Revision based on fill (LOMR-F).

(A) "Letter of Map Amendment (LOMA)": An amendment based on technical data showing the property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(B) "Letter of Map Revision (LOMR)": A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(C) "Letter of Map Revision (LOMR-F)": A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with

the community's floodplain management regulation.

(D) "Conditional Letter of Map Revision (CLOMR)": A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard area. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study, upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

(28) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement.

(A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that it conforms to the applicable non-elevation design requirements, including but not limited to:

(i) The standard set forth in subdivision (3) of subsection (c) of Section 16.52.130;

(ii) The anchoring standards set forth in subdivision (1) of subsection (a) of Section 16.52.130;

(iii) The construction materials and methods standards set forth in subsection (b) of Section 16.52.130; and

(iv) The standards for utilities set forth in Section 16.52.140.

(B) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages, storage areas and subfloor crawl spaces, except existing below-grade subfloor crawl spaces meeting the standards set forth in subsection (d) of Section 16.52.130.

(29) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when it is attached to the required utilities. The term does not include a recreational vehicle.

(30) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(31) "Market value of the structure" means that value of a structure determined by estimating the cost to replace the structure in a new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost

factor determined by reference to a building cost estimating guide recognized by the building construction industry, as approved by the floodplain administrator. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence, as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. The use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be approved at the discretion of the floodplain administrator only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(32) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(33) "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

(34) "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or the State of California or its agencies or political subdivisions.

(35) "Recreational vehicle" means a vehicle which:

(A) Is built on a single chassis;

(B) Measures 400 square feet or less at its largest or widest horizontal projection;

(C) Is designed to be self-propelled or permanently towable by a small truck;

(D) Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, seasonal use camping or travel; and

(E) Incorporates a vehicle that is defined by the State of California as a camp trailer, camper, fifth-wheel travel trailer, or house car.

(36) "Remedy a violation" means to bring the structure or other development into compliance with the State of California or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal or State of California financial exposure with regard to the structure or other development.

(37) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, or brook.

(38) "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(39) "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on the Flood Insurance Rate Map as Zone A, AO, AI - A30, AE, AH, V1 - V30, VE or V.

(40) "Start of construction" includes substantial improvement and other proposed new development, and means the date on which the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement commenced within 180 days from the date of issuance of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other part of a structure, whether or not that alteration affects the external dimensions of the structure.

(41) "Structure" means a walled and roofed building, including but not limited to a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(42) "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its original damage-free condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

(43) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. This term includes a structure which has incurred substantial damage, regardless of the actual repair work to be performed.

The term shall not include:

(A) Any project, or any portion of a project, for improvement of a structure undertaken in response to a finding by the local code enforcement official that there are existing violations of State of California or local health, sanitary, or safety code specifications which render the structure unfit for human

occupancy; or

(B) Any alteration of an historic structure, provided that the alteration will not result in the termination of a structure's continued designation as an historic structure; or

(C) Any project, or any portion of a project, for improvement of a structure that is required to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et.seq.).

(44) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(45) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(46) "Wet Floodproofing" Floodproofing method that relies on the use of flood damage-resistant materials and construction techniques in areas of a structure that are below the elevation required by this standard by intentionally allowing those areas to flood.

SECTION 4. Section 16.52.075 (Requirement to submit new technical data.) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is added to read as follows:

16.52.075 Requirement to submit new technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the City shall notify FEMA of the changes by submitting technical or scientific data. Such submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

SECTION 5. Section 16.52.110 (Development permit required) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is amended to read as follows (ellipses indicate existing language that is unchanged but omitted for brevity):

16.52.110 Development permit required.

[. . .]

(b) The foundation design details, including but not limited to:

(1) The proposed elevation in relation to mean sea level, of the lowest floor, including basement, of all structures;

(2) For a crawl-space foundation, the location and total net area of foundation openings as required in this ordinance and applicable Federal Emergency Management Agency technical bulletins, including but not limited to, TB 1-93 and TB 7-93; and

(3) For foundations placed on fill, the location and height of the fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method);

(c) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subdivision (3) of subsection (c) of Section [16.52.130](#) and applicable Federal Emergency Management Agency technical bulletins, including but not limited to TB 3-93;

[. . .]

SECTION 6. Section 16.52.130 (Standards of Construction) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is amended to read as follows (additions underlined, deletions ~~struck through~~, and omissions of unchanged language noted by [. . .]):

16.52.130 Standards of construction.

In all areas of special flood hazards the following standards are required:

[. . .]

(c) Elevation and Floodproofing.

(1) In residential new construction and substantial improvement of any residential structure, the lowest floor, including basement:

(A) In an AO zone, shall be elevated ~~above the highest adjacent grade~~ to height equal to or exceeding to a height above the highest adjacent grade of not less than the depth number specified in feet on the Flood Insurance Rate Map plus 1 foot, or elevated at least two not less than 3 feet above the highest adjacent grade if no depth number is specified;

(B) In an A zone, shall be elevated at least ~~one foot~~ two feet above the highest adjacent grade if no depth number is specified or one foot above the base flood elevation, whichever is higher; or

(C) In all other zones, including Coastal A zones shall be elevated at least one foot above to or above the base flood elevation.

(D) Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot, or design flood elevation, whichever is higher.

(E) Garages and carport floors shall comply with one of the following:

- (i) They shall be elevated to or above the elevations required above in (A), (B) and (C) or
- (ii) They shall be at or above grade on all but one side of the structure and allow the automatic flow of floodwater into and out of the garage or carport. Where a garage or carport shall solely be used parking, building access or storage.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, and verified by a community official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(2) Nonresidential new construction and any substantially improved nonresidential structure shall either be elevated to conform with subdivision (1) of this subsection (c) or, together with attendant utility and sanitary facilities:

(A) Shall be floodproofed below the minimum elevation required in subdivision (1) above so that the structure is watertight with walls substantially impermeable to the passage of water;

(B) Shall possess structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(C) Shall be certified by a registered professional engineer that the standards of this subdivision are satisfied. The certification shall be provided to the floodplain administrator.

(D) Shall provide a flood emergency plan that includes maintenance and operation requirements. The plan shall be approved by the floodplain administrator. Plans shall be recorded as a covenant.

(3) All new construction and substantially improved structures, with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for the parking of vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall comply with the California Building Code guidelines set forth in the applicable Federal Emergency Management Agency technical bulletins, including but not limited to TB 1-93 and TB 7-93 and shall meet or exceed the following minimum criteria:

(A) Possess a minimum of two openings on different sides of each enclosed area. If a building has more than one enclosed area, each area shall have openings with the total net area of nonengineered openings of not less than one square inch for every square foot of enclosed area, subject to flooding where the enclosed area is measured on the exterior of the enclosure walls. The bottom of all openings shall be no higher than one foot above ~~grade~~ the higher of the final interior grade or floor and the finished exterior grade immediately under each opening. Openings may be equipped with screens,

louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters into and out of the enclosed areas and shall be accounted for in the determination of the net open area; or

(B) Be certified by a registered professional engineer or architect. Construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified on Section 2.7.2.2 of ASCE 24.

(C) Openings shall be not less than 3 inches in any direction in the plane of the wall.

(D) Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirement of this section.

(4) Manufactured homes shall also meet the standard in Section 16.52.160.

(d) Existing Residential Below Grade Subfloor Crawl Spaces. Notwithstanding the provisions of subsection (c)(1) for existing residential structures, existing below-grade subfloor crawl spaces shall be allowed to remain beneath substantially improved structures provided all other standards of construction set forth in Section 16.52.130 and the following conditions are met:

(1) The lowest floor of the living space of the existing structure is at ~~or above~~ the elevation required under subsection (c) above;

(2) The below-grade crawl space shall be backfilled to the maximum extent possible without violating Uniform Building Code requirements for minimum crawl space height;

(3) The crawl space grade is not more than two feet below the lowest adjacent grade outside the foundation;

(4) The height of the crawl space, measured from the interior grade of the crawl space to the top of the foundation wall, does not exceed four feet;

(5) There is an adequate drainage system capable of removing floodwaters from the interior area of the crawl space within seventy-two hours after the flood event; and

(6) The expected velocity of the floodwaters at the site does not exceed five feet per second.

(e) Prohibition of Residential Basement Construction.

(1) For residential structures located within a Special Flood Hazard Area:

(A) No new basements shall be constructed; and

(B) No existing basements shall be expanded.

SECTION 7. Section 16.52.160 (Standards of manufactured homes) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is amended to read as follows (additions underlined and deletions ~~struck through~~):

16.52.160 Standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes on foundations in flood hazard areas or coastal high-hazard areas shall:

(a) Be elevated so that the lowest floor ~~is at or above the based flood elevation~~ elevation meets requirements specified in sections 16.52.130 and 16.52.180 as applicable; and

(b) Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement in accordance with ASCE 24.

SECTION 8. Section 16.52.180 (Coastal high hazard areas) of Chapter 16.52 (Flood Hazard Regulations) of Title 16 (Building) of the Palo Alto Municipal Code is amended to read as follows (additions underlined, deletions ~~struck through~~, and omissions of unchanged language noted by [. . .]):

16.52.180 Coastal high hazard areas.

Within coastal high hazard areas established in Section 16.52.060 the following standards shall apply:

(a) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings, columns, grade beams and bracing) is elevated to or above the base flood elevation plus 1 foot or design flood elevation, whichever is higher. Wind loading values used shall be those required by applicable state or local building standards.

(b) All new construction and other development shall be located on the landward side of the reach of mean high tide.

[. . .]

SECTION 9. 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.

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SECTION 10. 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:

Assistant City Attorney

City Manager

Director of Planning and Development Services

Director of Public Works

Director of Administrative Service

Code: California Residential Code, Title 24, Part 2.5					
Chapter(s), Section(s), Table(s), Appendices	Title	Add	Deleted	Amended	Justification (See below for keys)
R202	Wildland-Urban Interface Fire Area			✓	T
R202	Superficial floor area	✓			A, G
Table R301.2	Climatic and Geographic Design Criteria			✓	C, G, T
R301.2.2.6	Irregular Buildings			✓	G
R304.4	Dwelling unit and congregate residence	✓			A, G
R310	Emergency Escape and Rescue Openings			✓	C, T
R310.4.2.3	Window Well Fall Protection			✓	T
R 310.4.1	Security Bars	✓			T
R313.1.1	Design and installation			✓	T
R 313.2	One and Two Family Dwellings Automatic Spr. Syst.			✓	T
R313.2.1	Design and installation			✓	T
R313.2.2	NFPA 13D sprinkler increase in design requirements	✓			T
R313.3	Dwelling unit fire sprinkler systems			✓	T
R 314.1	Smoke Detection and Notification			✓	C, T
R314.1.1	Smoke alarms or detector end of life replacement			✓	T
315.7.5	Carbon monoxide alarms			✓	T
R 319.1	Address Identification			✓	T
R 322.1	Flood Hazard Regulations			✓	T
R 327.1.5	Vegetation Management Compliance			✓	T
R401	General			✓	T, G

R402.2.1	Materials for concrete			✓	E
R403, R403.1.2, R403.1.3, R403.1.3.1, R403.1.3.2	Foundation			✓	G, T
R 403.1.8	Foundation on expansive Soils			✓	G, T
R404.1.3	Concrete foundation walls			✓	E
R 504.3.1	Projections exposed to weather	✓			G, T
R506.1	Concrete Floors on ground			✓	E
R602.10.4.5	Limits on methods GB and PCP	✓			G
Table R602.10.3(3)	Bracing Requirements Based on Seismic Design Category			✓	G
R608.5	Materials			✓	E
R 703.8.5.1	Flashing Locations			✓	T
R902.1.4	Roofing Requirements in Wildland- Urban Interface Fire Area			✓	T
R1003.9.2.1	Repairs, Replacements and Alterations			✓	T
Appendix AH	Patio Covers	✓			C
Appendix AJ	Existing Building and Structures	✓			C, T
Appendix AK	Sound Transmission	✓			C
Appendix AX	Swimming Pool Safety Act	✓			C, G
AJ103, AJ103.1	Preliminary Meeting, General			✓	C, G

Key to Justification for Amendments to Title 24 of the California Code of Regulations

A This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).

C This amendment is justified based on 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 based on 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 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 wastewater 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 Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2022 Edition, and Local Amendments and Related Findings

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

SECTION 1. Chapter 16.08 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety 16.08 and adopting a new Chapter 16.08 to read as follows:

**CHAPTER 16.08
CALIFORNIA PLUMBING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

Sections

- 16.08.010** 2022 California Plumbing Code, Title 24, Part 5 adopted and amended.
- 16.08.020** Cross - References to California Plumbing Code.
- 16.08.030** Local Amendments.
- 16.08.040** Administration & Enforcement of 2022 California Plumbing Code.
- 16.08.050** Adoption of Chapter 1, Division II Administration.
- 16.08.060** Section 102.8 Appendices.
- 16.08.070** Section 306.3 Palo Alto sewer use.
- 16.08.080** Section 701.2, (4) Drainage piping.
- 16.08.090** Section 719.7 Cleanouts.
- 16.08.100** Section 808.2 Single pass cooling water systems prohibited.
- 16.08.110** Section 1014.1.3 Food waste disposal units and dishwashers.
- 16.08.120** Section 1101.4 Material use.
- 16.08.130** Section 1101.4.1 Copper and copper alloys.
- 16.08.140** Section 1101.4.2 Conductors.
- 16.08.150** Section 1101.4.3 Leaders.
- 16.08.160** Section 1102.1 Applications.

16.08.010 2022 California Plumbing Code, Title 24, Part 5 adopted and amended.

The California Plumbing Code, 2022 Edition, Title 24, Part 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 editions of the California Code of Regulations, Title 24, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5480 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 Plumbing Code" or "Plumbing 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 Plumbing Code, 2022 Edition, Title 24, Part 4 of the California Code of Regulations, as adopted by this Chapter.

One copy of the California Plumbing Code, 2022 edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.08.020 Cross - References to California Plumbing Code.

The provisions of this Chapter contain cross-references to the provisions of the California Plumbing Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.08.030 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Plumbing Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter. Where used in this Chapter 16.04, ellipses shall indicate text of the California Building Code, 2022 Edition, that has been adopted without amendment but is omitted for brevity.

16.08.040 Administration & Enforcement of 2022 California Plumbing Code.

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.08.050 Adoption of Chapter 1, Division II Administration.

Chapter 1, Division II Administration of the 2022 California Plumbing Code is adopted by the City of Palo Alto to supplement, to the extent it does not conflict with, Chapter 1, Division II of the 2022 California Building Code as amended.

16.08.060 Section 102.8 Appendices.

The following Appendix Chapters of the California Plumbing Code, 2022 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 A – Recommended rules for sizing the water supply system
- B. Appendix D – Sizing storm water drainage systems

16.08.070 Section 306.3 Palo Alto sewer use.

Section 306.3 of Chapter 3 of the California Plumbing Code is added to read:

306.3 Palo Alto sewer use. All non-domestic waste shall comply with the City of Palo Alto Sewer Use Ordinance (Palo Alto Municipal Code Chapter 16.09). Where discrepancies exist between the requirements of this code and said ordinance, the provisions of said ordinance shall apply.

16.08.080 Section 701.2, (4) Drainage piping.

Subdivision (4) of Section 701.2 of Chapter 7 of the California Plumbing Code is amended to read:

701.2 Drainage Piping

Materials for drainage piping shall be in accordance with one of the referenced standards in Table 701.2 except that:

[. . .]

(4) Copper, copper alloys, lead and lead alloys, including brass, shall not be used for building sanitary drainage lines, connectors or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are impracticable.

Where permitted by the building official or their designee, copper tube for drainage piping shall have a weight of not less than that of copper drainage tube type DWV.

[. . .]

16.08.090 Section 719.7 Cleanouts.

Section 719.7 of Chapter 7 of the California Plumbing Code is added to read:

719.7 Cleanouts. A cleanout shall be provided at the point of connection between the building sewer and the city lateral and an approved fitting shall be used to bring the cleanout riser to grade. Where sewer cleanouts are to be connected to existing city laterals, such connections shall be accomplished by use of a City of Palo Alto Utility approved fitting.

16.08.100 Section 808.2 Single pass cooling water systems prohibited.

Section 808.2 of Chapter 8 of the California Plumbing Code is added to read:

808.2 Single pass cooling water systems prohibited. Clean running water used exclusively as a cooling medium in an appliance, device, or apparatus is prohibited. Refer to PAMC 16.14.350 for additional CALGreen measures.

16.08.110 Section 1014.1.3 Food waste disposal units and dishwashers.

Section 1014.1.3 of Chapter 10 of the California Plumbing Code is amended to read:

1014.1.3 Food waste disposal units and dishwashers. Unless specifically required or permitted by the Authority Having Jurisdiction, no dishwasher shall be connected to or discharge into any grease interceptor. Commercial Food Waste Disposal Units are prohibited.

16.08.120 Section 1101.4 Material use.

Section 1101.4 of Chapter 11 of the California Plumbing Code is amended to read:

1101.4 Material use. Pipe, tube, and fittings conveying rainwater shall be of such materials and design as to perform their intended function to the satisfaction of the Authority Having Jurisdiction. Conductors within a vent or shaft shall be of cast-iron, galvanized steel, wrought iron, Schedule 40 ABS DWV, Schedule 40 PVC DWV, stainless steel 304 or 316L [stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than 6 inches (152 mm) aboveground], or other approved materials, and changes in direction shall be in accordance with the requirements of Section 706.0. ABS and PVC DWV piping installations shall be installed in accordance with applicable standards referenced in Chapter 17 and the firestop protection requirements in the California Building Code. Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, where tested in accordance with ASTM E84 or UL 723. Plastic piping installed in plenums shall be tested in accordance with all requirements of ASTM E84 or UL 723. Mounting methods, supports and sample sizes of materials for testing that are not specified in ASTM E84 or UL 723 shall be prohibited.

[HCD 1 & HCD 2] ABS or PVC installations are limited to not more than two stories of areas of residential accommodation.

[OSHPD 1, 2, 3 & 4] ABS and PVC installations are not allowed.

16.08.130 Section 1101.4.1 Copper and copper alloys.

Section 1101.4.1 of Chapter 11 of the California Plumbing Code is amended to read:

1101.4.1 Copper and copper alloys. Joints and connections in copper and copper alloy pipe and tube is prohibited.

16.08.140 Section 1101.4.2 Conductors.

Section 1101.4.2 of Chapter 11 of the California Plumbing Code is amended to read:

1101.4.2 Conductors. Conductors installed aboveground in buildings shall comply with the applicable standards referenced in Table 701.2 for aboveground drain, waste, and vent pipe. Conductors installed aboveground level shall be of Schedule 40 copper pipe or Schedule 40 copper alloy pipe; service weight cast-iron soil pipe or hubless cast-iron soil pipe; standard weight galvanized steel pipe; stainless steel 304 or 316L [stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than 6 inches (152 mm) aboveground], or Schedule 40 ABS or Schedule 40 PVC plastic pipe.

16.08.150 Section 1101.4.3 Leaders.

Section 1101.4.3 of Chapter 11 of the California Plumbing Code is amended to read:

1101.4.3 Leaders. Leaders installed outside shall be in accordance with the applicable standards referenced in Table 701.2 for aboveground drain, waste, and vent pipe; aluminum sheet metal; or galvanized steel sheet metal.

16.08.160 Section 1102.1 Applications.

Section 1102.1 of Chapter 11 of the California Plumbing Code is amended to read:

1102.1 Applications. Roof drains shall be constructed of aluminum, cast-iron, stainless steel, ABS, PVC, polypropylene, polyethylene, or nylon and shall comply with ASME A112.3.1 or ASME A112.6.4.

SECTION 2. The Council adopts the findings for local amendments to the California Plumbing Code, 2022 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.

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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:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

Director of Administrative Services

Exhibit A
FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA PLUMBING CODE,
TITLE 24, PART 5

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.

Code: California Plumbing Code, Title, 24, Part 5					
Chapter(s), Sections(s), Appendices	Title	Added	Amended	Replaced	Justification (See below for keys)
Ch. 1, Div. II	ADMINISTRATION	✓			A
	Administration and Enforcement	✓			A
306.3	Palo Alto sewer use	✓			C
701.2	(4) Drainage piping		✓		C
719.7	Cleanouts	✓			C
808.2	Single pass cooling water systems prohibited	✓			C
1014.1.3	Food waste disposal units and dishwashers		✓		C
1101.4	Material use		✓		C
1101.4.1	Copper and copper alloys		✓		C
1101.4.2	Conductors		✓		C
1101.4.3	Leaders		✓		C
1102.1	Applications		✓		C
Appx. A	Recommended rules for sizing the water supply system	✓			A
Appx. D	Sizing storm water drainage systems	✓			A

Key to Justification for Amendments to Title 24 of the California Code of Regulations

A This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).

C This amendment is justified based on 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 based on 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 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 wastewater 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 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2022 Edition, and Local Amendments and Related Findings

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

SECTION 1. Chapter 16.16 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety 16.16 and adopting a new Chapter 16.16 to read as follows:

**CHAPTER 16.16
CALIFORNIA ELECTRICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

Sections

- 16.16.010** **2022 California Electrical Code, Title 24, Part 3 adopted and amended.**
- 16.16.020** **Cross - References to California Electrical Code.**
- 16.16.030** **Local Amendments.**
- 16.16.040** **Adoption of SECTION 89.101 GENERAL.**
- 16.16.050** **Article 89.101.3.3 Exempted from This Code.**
- 16.16.060** **Article 89.101.4 2022 California Electrical Code Annexes adopted.**
- 16.16.070** **Administration & Enforcement of 2022 California Electrical Code.**
- 16.16.080** **Article 110.13 Mounting and Cooling of Equipment.**

- 16.16.010** **2022 California Electrical Code, Cal. Code of Regs., Title 24, Part 3 adopted and amended.**

The California Electrical Code, 2022 Edition, Title 24, Part 3 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, 2019, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5482 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 Electrical Code" or "Electrical 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

Not Yet Adopted

California Electrical Code, 2022 Edition, as adopted by this Chapter.

One copy of the California Electrical Code, 2022 edition, has been filed for use and examination of the public in the Office of the Chief Building Official of the City of Palo Alto.

16.16.020 Cross - References to California Electrical Code.

The provisions of this Chapter contain cross-references to the provisions of the California Electrical Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.16.030 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Electrical Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.16.040 Adoption of SECTION 89.101 GENERAL.

SECTION 89.101 GENERAL of the 2022 California Electrical Code is adopted by the City of Palo Alto as amended herein.

16.16.050 Article 89.101.3.3 Exempted from This Code.

Section 89.101.3.3 is amended as follows (additions underlined; sections omitted without change noted by [. . .]):

89.101.3.3 Exempted from This Code.

This code does not cover:

1. Installations in ships, watercraft other than floating dwelling units, railway rolling stock, aircraft, automotive vehicles, commercial coaches, mobilehomes, and recreational vehicles.

[. . .]

7. ADDITIONAL EXEMPTIONS: Electrical work that is exempt from permits pursuant to Palo Alto Municipal Code Section 16.04.110, Section 105.2 Work exempt from permit.

16.16.060 Article 89.101.4 2022 California Electrical Code Annexes adopted.

The following Annexes of the California Electrical Code, 2022 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. Annex B – Application Information for Ampacity Calculations
- B. Annex C – Conduit, Tubing, and Cable Tray Fill Tables for Conductors and Fixture Wires of the Same Size
- C. Annex I – Unit Recommended Tightening Torque Tables from UL Standard 486A - 486B

Not Yet Adopted

16.16.070 Administration & Enforcement of 2022 California Electrical Code

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.16.080 Article 110.13 Mounting and Cooling of Equipment.

Article 110.13 (A) (1) of Article 110 of the California Electrical Code is added to read:

110.13 (A) (1) Concrete Slab Supporting Electrical Equipment. When electrical equipment is to be placed on a concrete substrate, a 4-inch concrete housekeeping pad shall be installed to elevate and protect the equipment.

SECTION 2. The Council adopts the findings for local amendments to the California Electrical Code, 2022 Edition, attached hereto as Exhibit "A" and incorporated herein by reference.

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.

Not Yet Adopted

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:

Assistant City Attorney

City Manager

Director of Planning and Development Services

Director of Administrative Services

Not Yet Adopted

Exhibit A**FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA ELECTRICAL CODE,
TITLE 24, PART 3**

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.

Code: California Electrical Code, Title, 24, Part 3					
Section(s) or Article(s)	Title	Added	Amended	Deleted	Justification (See below for keys)
89.101	GENERAL	✓			A
89.101.3.3	Exempt from This Code	✓			A
110.13 (A) (1)	Mounting and Cooling of Equipment	✓			C
Annex B	Application Information for Ampacity Calculations	✓			G
Annex C	Conduit, Tubing, and Cable Tray Fill Tables for Conductors and Fixture Wires of the Same Size	✓			A
Annex I	Unit Recommended Tightening Torque Tables from UL Standard 486A - 486B	✓			A

Key to Justification for Amendments to Title 24 of the California Code of Regulations

- A** This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).
- C** This amendment is justified based on 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 based on 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 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 wastewater 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 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, International Swimming Pool and Spa Code, With Local Amendments

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

SECTION 1. Chapter 16.18 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety Chapter 16.18 and adopting a new Chapter 16.18 to read as follows:

CHAPTER 16.18
2021 International Swimming Pool and Spa Code (ISPSC)

Sections

- 16.18.010** 2021 International Swimming Pool and Spa Code (ISPSC) adopted in part and amended.
- 16.18.020** Violations -- Penalties.
- 16.18.030** Enforcement -- Criminal Enforcement Authority.
- 16.18.040** References to California Building Codes.
- 16.18.050** Precedence of California Building Codes.
- 16.18.060** Administration & Enforcement of 2021 International Swimming Pool and Spa Code (ISPSC)
- 16.18.070** Section 101.1 Title.
- 16.08.080** Section 105.1.1 Agreements to build; notice of provisions.
- 16.18.090** Section 110.17 Final approval.
- 16.18.100** Section 301.1.2 Conflicts.
- 16.18.110** Section 303.3.1 Operating time.
- 16.18.120** Section 303.1.3 Covers.
- 16.18.130** Section 305.2 Outdoor swimming pools and spas.
- 16.18.140** Section 305.9 Private swimming pools.
- 16.18.150** Section 305.10 Enclosure.
- 16.18.160** Section 310.2 Construction requirements for building a pool or spa.
- 16.18.170** Section 316.2.1 Certification and installation.
- 16.18.180** Section 504.1 Emergency shutoff switch.
- 16.18.190** Section 903 to 908.
- 16.18.010** 2021 International Swimming Pool and Spa Code (ISPSC) adopted in part and amended.

Chapters 1 through 3 and chapters 7 through 11 of the International Swimming Pool and Spa Code, 2021 Edition, are adopted and hereby incorporated into this Chapter by reference and

NOT YET ADOPTED

made a part hereof as if fully set forth herein. The provisions of this Chapter shall constitute local amendments to the referenced provisions of the International Swimming Pool and Spa Code, Edition.

One copy of the International Swimming Pool and Spa Code, 2021 Edition, has been filed for use and examination by the public in the Office of the Chief Building Official of the City of Palo Alto.

16.18.020 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.

16.18.030 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.

16.18.040 References to California Building Codes.

The International Swimming Pool and Spa Code, 2021 Edition, is hereby amended to refer to those building regulations adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations, as follows:

1. Where the term "International Building Code" is used it shall be replaced with the term "California Building Code (CBC)."
2. Where the term "International Residential Code" is used it shall be replaced with the term "California Residential Code."
3. Where the term "International Plumbing Code" is used it shall be replaced with the term "California Plumbing Code."
4. Where the term "International Energy Conservation Code" is used it shall be replaced with the term "California Energy Code."
5. Where the term "International Fire Code" is used it shall be replaced with the term "California Fire Code."

NOT YET ADOPTED

6. Where the term “International Fuel Gas Code” is used it shall be replaced with the term “California Plumbing Code.”
7. Where the term “International Mechanical Code” is used it shall be replaced with the term “California Mechanical Code.”
8. Where the term “NFPA 70” is used it shall be replaced with the term “California Electrical Code.”

16.18.050 Precedence of California Building Codes.

In the event of any conflict between this Chapter and provisions of the California Health and Safety Code or the building regulations adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations, the provisions of the Health and Safety Code and Title 24 shall prevail.

16.18.060 Administration & Enforcement of 2021 International Swimming Pool and Spa Code (ISPSC)

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04, and the any sections of the 2022 International Swimming Pool and Spa Code that are adopted by the City of Palo Alto in this Chapter 16.18.

16.18.070 Section 101.1 Title.

Section 101.1 of the International Swimming Pool and Spa Code is hereby amended to read:

101.1 Title. These regulations shall be known as the International Swimming Pool and Spa Code of the City of Palo Alto, hereinafter referred to as “this code.”

16.08.080 Section 105.1.1 Agreements to build; notice of provisions.

Section 105.1.1 of the International Swimming Pool and Spa Code is hereby added to read:

105.1.1 Agreements to build; notice of provisions. Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this code.

Pursuant to existing law, the California Department of Health Services shall have available on the department's web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children's Safety & Health, Safe Kids Worldwide, Association of

NOT YET ADOPTED

Pool and Spa Professionals, or the American Academy of Pediatrics. [CBC 3109.1, 115924]

16.18.090 Section 110.17 Final approval.

Section 110.17 of the International Swimming Pool and Spa Code is hereby added to read:

110.17 Final Approval. Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the code official shall inspect the drowning safety prevention devices required and if no violations are found, shall give final approval. [CBC 3109.1, 15922(b)]

16.18.100 Section 301.1.2 Conflicts.

Section 301.1.2 of the International Swimming Pool and Spa Code is hereby added to read:

301.1.2 Conflicts. In the event of a conflict between the provisions of the Swimming Pool Safety Act, the International Swimming Pool and Spa Code, 2021 Edition, the 2022 California Building Code, or the 2022 California Residential Code, the Building Official shall implement the most restrictive measures cited.

16.18.110 Section 303.3.1 Operating time.

Section 303.3.1 of the International Swimming Pool and Spa Code is hereby added to read:

303.3.1 Operating time. The time switch or other control mechanism shall be installed as part of a pool water circulation control system that will allow all pumps to be set or programmed to run only during off-peak electric demand period, and for the minimum time necessary to maintain the water in the condition required by applicable public health standards. [California Energy Code (CEnc) 110.4(b)3ii]

16.18.120 Section 303.1.3 Covers.

Section 303.1.3 of the International Swimming Pool and Spa Code is hereby amended to read:

303.1.3 Covers. Outdoor pools and outdoor spas shall be provided with a vapor retardant cover.

16.18.130 Section 305.2 Outdoor swimming pools and spas.

Section 305.2 of the International Swimming Pool and Spa Code is hereby amended to read:

305.2 Outdoor swimming pools and spas. All outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7. [CBC 3109.1, 115922]. Refer to 305.9 for additional drowning prevention safety features.

NOT YET ADOPTED

16.18.140 Section 305.9 Private swimming pools.

Section 305.9 of the International Swimming Pool and Spa Code is hereby added to read:

305.9 Private swimming pools. Whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least two of the following seven drowning prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 305.10.
2. The pool shall incorporate removable mesh pool fencing that meets ASTM F 2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM F 1346.
4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.
6. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard Safety Specification for Residential Pool Alarms,” which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1 - 4 and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or ASME.

Exceptions:

1. Public swimming pools.
2. Hot tubs or spas with locking safety covers that comply with the ASTM ES 13-89. b)]
3. An apartment complex, or any residential setting other than a single-family home.

NOT YET ADOPTED

16.18.150 Section 305.10 Enclosure.

Section 305.10 of the International Swimming Pool and Spa Code is hereby added to read:

305.10 Enclosure. The enclosure for private swimming pools shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.
2. A minimum height of 60 inches (1524 mm).
3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).
4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.
5. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

16.18.160 Section 310.2 Construction requirements for building a pool or spa.

Section 310.2 of the International Swimming Pool and Spa Code is hereby added to read:

310.2 Construction requirements for building a pool or spa. Whenever a building permit is issued for the construction a new private swimming pool or spa, the pool or spa shall meet all of the following requirements:

- (1) The suction outlets of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraphs (2) and (3).
- (2) The swimming pool or spa shall either have at least two circulation suction outlets per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump.
- (3) The circulation system shall have the capacity to provide a complete turnover of pool water, as specified in Section 3124B of Chapter 31B of the California Building Standards Code (Title 24 of the California Code of Regulations).
- (4) Suction outlets shall be covered with anti-entrapment grates, as specified in the ANSI/APSP-16 performance standard or successor standard designated by the federal Consumer Product Safety Commission, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be

NOT YET ADOPTED

of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

(5) Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (a) and (b) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.

16.18.170 Section 316.2.1 Certification and installation.

Section 316.2.1 of the International Swimming Pool and Spa Code is hereby added to read:

316.2.1 Certification and installation.

(a) Certification by manufacturers. Heating systems and equipment shall be certified by the manufacturer that the heating system and equipment complies with the following:

1. Efficiency. A thermal efficiency that complies with the Appliance Efficiency Regulations in Title 20, Division 2, Chapter 4, Article 4 of the California Code of Regulations; and [CEnC 110.4(a)1]
2. On-off switch. A readily accessible on-off switch, mounted on the outside of the heater that allows shutting off the heater without adjusting the thermostat setting; and [CEnC 110.4(a) 2]
3. Instructions. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and [CEnC 110.4(a)3]
4. Electric resistance heating. No electric resistance heating.

Exception 1 to Section 110.4(a)4: Listed package units with fully insulated enclosures, and with tight-fitting covers that are insulated to at least R-6.

Exception 2 to Section 110.4(a)4: Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy. [CEnC 110.4(a)4]

(b) Installation. Any pool or spa system or equipment shall be installed with all of the following:

1. Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment. [CEnC 110.4(b)1]
2. Covers. A cover for outdoors pools or outdoor spas.

NOT YET ADOPTED

3. Directional inlets. The swimming pool shall have directional inlets that adequately mix the pool water. [CEnC 110.4(b)3i]

16.18.180 Section 504.1 Emergency shutoff switch.

Section 504.1 of the International Swimming Pool and Spa Code is hereby amended to read:

504.1 Emergency shutoff switch. One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be clearly labeled, accessible, located within sight of the spa and shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa. [California Electrical Code (CEC), 680.41]

16.18.190 Section 903 to 908.

Section 903 to 908 of the International Swimming Pool and Spa Code are added as follows:

**SECTION 903
MATERIALS**

903.1 Pumps and motors. Pumps and motors shall be *listed* and *labeled* for use in spas.

**SECTION 904
STRUCTURE AND DESIGN**

904.1 Water depth. The maximum water depth for spas shall be 4 feet (1219 mm) measured from the *design waterline* except for spas that are designed for special purposes and *approved* by the authority having jurisdiction. The water depth for exercise spas shall not exceed 6 feet 6 inches (1981 mm) measured from the *design waterline*.

904.2 Multilevel seating. Where multilevel seating is provided, the maximum water depth of any seat or sitting bench shall be 28 inches (711 mm) measured from the *design waterline* to the lowest measurable point.

904.3 Floor slope. The slope of the floor shall not exceed 1 unit vertical in 12 units horizontal (8.3-percent slope). Where multilevel floors are provided, the change in depth shall be indicated.

**SECTION 905
PUMPS AND MOTORS**

905.1 Emergency shutoff switch. One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be accessible, located within sight of the spa and shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa.

905.2 Timer. The operation of the hydrotherapy jets shall be limited by a cycle timer having a

NOT YET ADOPTED

maximum setting of 10 minutes. The cycle timer shall be located not less than 5 feet (1524 mm) away, adjacent to, and within sight of the spa.

SECTION 906 RETURN AND SUCTION FITTINGS

906.1 Return fittings. Return fittings shall be provided and arranged to facilitate a uniform circulation of water and maintain a uniform sanitizer residual throughout the entire spa or exercise spa.

906.2 Suction fittings. Suction fittings shall be in accordance with Sections 505.2.1 through 505.2.4.

906.2.1 Testing and certification. Suction fittings shall be *listed* and *labeled* in accordance with APSP 16.

906.2.2 Installation. Suction fittings shall be sized and installed in accordance with the manufacturer's specifications. Spas and exercise spas shall not be used or operated if the suction outlet cover is missing, damaged, broken or loose.

906.2.3 Outlets per pump. Suction fittings shall be provided in accordance with Section 310.

906.2.4 Submerged vacuum fittings. *Submerged vacuum fittings* shall be in accordance with Section 310.

SECTION 907 HEATER AND TEMPERATURE REQUIREMENTS

907.1 General. This section pertains to fuel-fired and electric appliances used for heating spa or exercise spa water.

907.2 Water temperature controls. Components provided for water temperature controls shall be suitable for the intended application.

907.2.1 Water temperature regulating controls.

Water temperature regulating controls shall comply with UL 873 or UL 372. A means shall be provided to indicate the water temperature in the spa.

Exception: Water temperature regulating controls that are integral to the heating appliance and *listed* in accordance with the applicable end use appliance standard.

907.2.2 Water temperature limiting controls. Water temperature limiting controls shall comply with UL 873 or UL 372. Water temperature at the heater return outlet shall not exceed 140°F (60°C).

SECTION 908 WATER SUPPLY

NOT YET ADOPTED

908.1 Water temperature.

The temperature of the incoming makeup water shall not exceed 104°F (40°C).

SECTION 2. 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 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:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and Development Services

Director of Administrative Services

NOT YET ADOPTED

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.14 of the Palo Alto Municipal Code and Adopting a New Chapter 16.14, California Green Building Code, 2022 Edition, and Local Amendments and Related Findings

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

SECTION 1. Chapter 16.14 of the Palo Alto Municipal Code (PAMC) is hereby amended by repealing in its entirety 16.14 and adopting a new Chapter 16.08 to read as follows:

**CHAPTER 16.14
CALIFORNIA GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

Sections

- 16.14.010** 2022 California Green Building Standards Code, Title 24, Part 11 adopted and amended.
- 16.14.020** Cross - References to California Green Building Standards Code.
- 16.14.030** Local Amendments.
- 16.16.040** Administration & Enforcement of 2022 California Green Building Standards Code.
- 16.16.050** Adoption of CHAPTER 1 Administration.
- 16.16.060** Section 101.4 Appendices.
- 16.16.070** Section 202 Definitions.
- 16.14.080** SECTION 301 - voluntary tiers added.
- 16.14.090** Section 4.106 SITE DEVELOPMENT
- 16.14.100** Section 4.306 SWIMMING POOL AND SPA COVERS
- 16.14.110** Section 4.509 Water heater replacement.
- 16.14.120** Section 702.2 Special inspection.
- 16.14.130** Residential Projects. Appendix A4 Preface: Green Building Measures for Project Type and Scope.
- 16.14.140** Section A4.104 SITE PRESERVATION.
- 16.14.150** Section A4.105 Deconstruction and Reuse of Existing Materials.
- 16.14.160** Section A4.106.8 Electric Vehicle (EV) Charging for New Construction.
- 16.14.170** Section A4.106.9 Bicycle Parking.
- 16.14.180** Section A4.106.10 Light Pollution Reduction.
- 16.14.190** Section A4.203.1 Performance Approach for Newly Constructed Buildings.
- 16.14.200** Section A4.304.3 Irrigation Metering Device.
- 16.14.210** Section A4.305 Water Reuse Systems.

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- 16.14.220 A4.305.4 Additions and alterations.
- 16.14.230 Section A4.403.1 Frost Protection Foundation Systems.
- 16.14.240 Section A4.403.2 Reduction in cement use.
- 16.14.250 Section A4.408.1 Enhanced Construction Waste Reduction.
- 16.14.260 Section A4.504.1 Compliance with formaldehyde limits.
- 16.14.270 Section A4.504.3 Thermal insulation.
- 16.14.280 Non-Residential Projects: Chapter 5 Preface Green Building Requirements for Project Type and Scope.
- 16.14.290 Section 5.106.1.1 Local storm water pollution prevention.
- 16.14.295 Section 5.106.8 Light pollution reduction.
- 16.14.300 Section 5.106.13 All-Electric Buildings.
- 16.14.330 Section 5.304.2 Invasive Species Prohibited.
- 16.14.340 Section 5.306 Non-residential enhanced water budget.
- 16.14.350 Section 5.307 Cooling Tower Water Use.
- 16.14.360 Section 5.410.4.6 Energy STAR portfolio manager.
- 16.14.370 Section 5.410.4.7 Performance reviews – energy.
- 16.14.380 Section 5.410.4.8 Performance reviews – water.
- 16.14.390 Section 5.506 Indoor Air Quality.
- 16.14.400 Section A5.405.5 Cement and concrete.
- 16.14.410 Section A5.408 Construction Waste Reduction, Disposal and Recycling.
- 16.14.420 Section A4.106.8 Electric Vehicle (EV) Charging.
- 16.14.430 Section A5.106.5.3 Electric Vehicle (EV) Charging for Non-Residential Structures.
- 16.14.010 **2022 California Green Building Standards Code, Title 24, Part 11 adopted and amended.**

The California Green Building Standards Code, 2022 Edition, Title 24, Part 11 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, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. 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, 2022 Edition, as adopted and amended by this

chapter.

One copy of the California Green Building Standards Code, 2022 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.04.020 Cross - References to California Green Building Standards Code.

The provisions of this Chapter contain cross-references to the provisions of the California Green Building Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.16.030 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Green Building Standards Code, 2022 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

CHAPTER 1 – ADMINISTRATION

16.16.040 Administration & Enforcement of 2022 California Green Building Standards Code.

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.16.050 Adoption of CHAPTER 1 Administration.

Chapter 1 Administration of the 2022 California Green Building Code is adopted by the City of Palo Alto to supplement, to the extent it does not conflict with, Chapter 1, Division II of the 2022 California Building Code, as amended.

16.16.060 Section 101.4 Appendices.

The following Appendix Chapters of the California Green Building Standards Code, 2022 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)

CHAPTER 2 – DEFINITIONS

16.16.070 Section 202 Definitions.

Section 202 of Chapter 2 of the California Green Building Standards Code is amended to include the following definitions:

ALL-ELECTRIC BUILDING / SITE. A building or parcel of land whose sole source of energy is electricity and contains no combustion equipment or plumbing for combustion equipment.

CPAU. City of Palo Alto Utilities Department.

CALGREEN MANDATORY. **Mandatory measures** are triggered for projects outlined in Section 301.1 Scope of this code, as amended.

Projects that only trigger Mandatory measures are not required to fulfill Tier 1 or Tier 2 measures in Appendix A4 and A5.

CALGREEN TIER 1. To achieve **Tier 1 status**, a project must comply with measures identified in Appendix A4, Section A4.601.4 for *residential projects* and Appendix A5, Section A5.601.2 for *non-residential projects*.

Projects subject to **Tier 1** must fulfill all mandatory measures, all Tier 1 prerequisite measures and a defined number of Tier 1 elective measures.

CALGREEN TIER 2. To achieve **Tier 2 status**, a project must comply with requirements identified in Appendix A4, Section A4.601.5 for *residential projects* and Appendix A5, Section A5.601.3 for *non-residential projects*.

Projects subject to **Tier 2** must fulfill all mandatory measures, all Tier 2 prerequisite measures and a defined number of Tier 2 elective measures.

CALGREEN TIER 1 AND TIER 2 PREREQUISITE MEASURES. Projects subject to **Tier 1** or **Tier 2** must fulfill all prerequisites as described within Appendix A4, Division A4.6 for *residential projects* and Appendix A5, Division A5.6 for *non-residential projects*.

CALGREEN TIER 1 AND TIER 2 ELECTIVE MEASURES. Projects subject to **Tier 1** or **Tier 2** must fulfill a defined number of electives as described within Appendix A4, Division A4.6 for *residential projects* and Appendix A5, Division A5.6 for *non-residential projects*.

CALGREEN INSPECTOR. An individual certified as a CALGreen Inspector/Plans Examiner through the International Code Council (ICC), 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.

CERTIFIED ENERGY ANALYST. A person registered as a Certified Energy Analyst with the California Association of Building Energy Consultants as of the date of submission of a Certificate of Compliance as required under Section 10-103 of the Building Energy Efficiency Standards for Residential and Non-Residential Buildings.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE. The California Department of Water Resources Model Water Efficient Landscape Ordinance.

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

NOT YET ADOPTED

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.

SUBSTANTIAL REMODEL (AKA 50-50-50 RULE). Any project or projects that affects the removal or replacement of 50% or more of the linear length of the existing exterior walls of the building, and/or 50% or more of the linear length of the existing exterior wall plate height is raised, and/or 50% or more of the existing roof framing area is removed or replaced, over a 3-year period.

Any permit(s) applied for will trigger a review of a 3-year history of the project. This review will result in determining if a substantial remodel has occurred.

The Chief Building Official or designee shall make the final determination regarding the application if a conflict occurs.

SQUARE FOOTAGE. For application of green building requirements, “square footage” refers to all new or altered square footage, including basement areas (7 feet or greater in height), as calculated based on outer boundary of proposed construction area, including exterior walls.

CHAPTER 3 – GREEN BUILDING

16.14.080 SECTION 301 - voluntary tiers added.

SECTION 301 of Chapter 3 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 measures, 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 raising the plate height, historic restoration, changes or rearrangements of the structural parts or elements, and changes or rearrangement of bearing walls and full height partitions.

Normal maintenance, reroofing, painting or wall papering, floor finishes, replacement-in-kind of mechanical, plumbing and electrical systems, or replacing or adding new kitchen counter and similar furniture, plumbing fixture to the building are excluded for the purposes of establishing scope of Tier 1 projects.

The area of alteration should be limited to the footprint of element(s) being altered.

This does not exclude mandatory CALGreen measures. The sum of the footprint of the elements being altered with respect to Tier 1, shall be calculated using the following methodology:

1. Raising the plate height: The calculation with respect to raising of the plate height will be based on the area of the footprint in which the plate height is being increased. Plate height means the vertical distance measured from the top of the finished floor to the top of the plates.
2. Historic restoration: The calculation with respect to historic restoration will be based on the area of work covered in the California Historical Building Code (Title 24, Part 8).
3. Structural parts or elements: The calculation with respect to changes or rearrangements of the structural parts or elements will be based on the sum of the individual footprints of each structural change or rearrangement. The footprint shall be calculated based on the proposed design and inclusive of any demolished structural parts or elements.
4. Bearing walls and full height partition: The calculation with respect to changes or rearrangement of walls and full height partitions will be based on the footprint of any demolished wall or full height partition and any new wall or new full height partition.

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

301.1 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.

NOT YET ADOPTED

301.2.1 Low-Rise residential new construction – Tier 2 adopted. All new constructed or substantial remodel projects must meet CALGreen Mandatory plus Tier 2 measures, as amended by this ordinance and as applicable to the scope of work.

301.2 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 measures, 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 measures, as amended by this Chapter and as applicable to the scope of work.

301.3.1 - 301.3.2 Unmodified.

301.3.3 Non-residential new construction – Tier 2 adopted. All new non-residential construction must meet CALGreen Mandatory plus Tier 2 measures, as amended by this ordinance and as applicable to the scope of work.

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

301.7 Low-carbon concrete requirements for Tier 1 and Tier 2 projects. Plain and reinforced concrete installed as part of any project subject to the application of this code shall demonstrate compliance with the requirements of **PAMC 16.14.240**.

CHAPTER 4 – RESIDENTIAL MANDATORY MEASURES

Division 4.1 – PLANNING AND DESIGN

16.14.090 Section 4.106 SITE DEVELOPMENT

Section 4.106 of Chapter 4 of the California Green Building Standards Code is amended to add

new subsections, 4.106.5 and 4.106.5.1 as follow:

4.106.5 ALL-ELECTRIC BUILDING / SITE. A building or parcel of land whose sole source of energy is electricity and contains no combustion equipment or plumbing for combustion equipment.

4.106.5.1 Full electrification. Full electrification is required for new buildings, substantial remodels, and new outdoor appliances/equipment such as grill, stove, barbeque, fireplace, firepit, heater for swimming pool/spa, and similar equipment.

Division 4.3 – WATER EFFICIENCY AND CONSERVATION

16.14.100 Section 4.306 SWIMMING POOL AND SPA COVERS

Section 4.306 of Chapter 4 of the California Green Building Standards Code is added to read:

4.306 Swimming Pool and Spa Covers. Swimming pools and spas shall be provided with a vapor retardant cover.

Division 4.5 – ENVIRONMENTAL QUALITY

16.14.110 Section 4.509 Water heater replacement.

Section 4.509 of Chapter 4 of the California Green Building Standards Code is added to read:

4.509 Water heater replacement. For existing residential building remodels or additions where the gas water heater is replaced or new water heater is added, the new water heater shall be a heat pump water heater (HPWH).

CHAPTER 7 – INSTALLER AND SPECIAL INSPECTOR QUALIFICATIONS

16.14.120 Section 702.2 Special inspection.

Section 702.2 of Chapter 7 of the California Green Building Standards Code is amended to read:

702.2 Green building special inspection. When required by the enforcing agency, the owner or responsible entity acting as the owner’s agent shall employ one or more Green Building Special Inspectors to provide inspection or other duties necessary to substantiate compliance with this code. Green Building 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:

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1. Certification by a national or regional green building program:
ICC Certified CALGreen Inspector/Plans Examiner
2. Other programs acceptable to the enforcing agency.

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.

APPENDIX A4 – RESIDENTIAL VOLUNTARY MEASURES

Division A4.1 – PLANNING AND DESIGN

16.14.130 Residential Projects. Appendix A4 Preface: Green Building Measures for Project Type and Scope.

A preface is added to Chapter A4 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.

16.14.140 Section A4.104 SITE PRESERVATION.

Section A4.104.1 of Appendix A4 of the California Green Building Standards Code is adopted as a Tier 1 and Tier 2 elective measure 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.

16.14.150 Section A4.105 Deconstruction and Reuse of Existing Materials.

Section A4.105 of Appendix A4 of the California Green Building Standards Code is not adopted as

an elective measure and is amended to read:

Section A4.105.1 Chapter 5.24 of Title 5 of the Municipal Code. 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 installed to comply the appropriate Title 24 provisions.

16.14.160 Section A4.106.8 Electric Vehicle (EV) Charging for New Construction.

Section A4.106.8 of Appendix A4 of the California Green Building Standards Code is not adopted as a Tier 1 and Tier 2 elective measure. **Projects must comply with the Mandatory measures for electric vehicle supply equipment (EVSE) as amended in PAMC 16.14.420.**

16.14.170 Section A4.106.9 Bicycle Parking.

Section A4.106.9 of Appendix A4 of the California Green Building Standards Code 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.**

16.14.180 Section A4.106.10 Light Pollution Reduction.

Section A4.106.10 is added and 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

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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.

Division A4.2 – ENERGY EFFICIENCY

16.14.190 Section A4.203.1 Performance Approach for Newly Constructed Buildings.

Section A4.203.1 of Appendix A4 of the California Green Building Standards Code 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 Code).**

Division A4.3 – WATER EFFICIENCY AND CONSERVATION

16.14.200 Section A4.304.3 Irrigation Metering Device.

Section A4.304.3 of Appendix A4 of the California Green Building Standards Code 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.

16.14.210 Section A4.305 Water Reuse Systems.

Sections A4.305.1, A4.305.2, and A4.305.3 of Appendix A4 of the California Green Building Standards Code 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.

16.14.220 A4.305.4 Additions and alterations.

Section A4.305.4 is added as Tier 1 and Tier 2 prerequisite and amended to read:

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.

Division A4.4 – MATERIAL CONSERVATION AND RESOUCE EFFICIENCY

16.14.230 Section A4.403.1 Frost Protection Foundation Systems.

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

16.14.240 Section A4.403.2 Reduction in cement use.

Section A4.403.2 of Appendix A4 of the California Green Building Standards Code is adopted as a Mandatory measure for all Tier 1 and Tier 2 projects and is amended to read:

A4.403.2 Low Carbon Concrete Requirements.

A4.403.2.1 Purpose. The purpose of this chapter is to provide practical standards and requirements for the composition of concrete, as defined herein, that maintains adequate strength and durability for the intended application and at the same time reduces greenhouse gas emissions associated with concrete composition. This code includes pathways for compliance with either reduced cement levels or lower-emission supplementary cementitious materials.

A4.403.2.2 Definitions. For the application of this section the following definitions shall apply:

Concrete. Concrete is any approved combination of mineral aggregates bound together into a hardened conglomerate in accordance with the requirements of this code.

Environmental product declaration (EPD). EPDs present quantified environmental

NOT YET ADOPTED

information on the life cycle of a product to enable comparisons between products fulfilling the same function. EPDs must conform to ISO 14025, and EN 15804 or ISO 21930, and have at least a "cradle to gate" scope (which covers product life cycle from resource extraction to the factory).

Upfront embodied carbon (embodied carbon). The greenhouse gasses emitted in material extraction, transportation and manufacturing of a material corresponding to life cycle stages A1 (extraction and upstream production), A2 (transportation), and A3 (manufacturing). Definition is as noted in ISO 21930 and as defined in the Product Category Rule for *Concrete* by NSF dated February 22nd, 2019. https://www.nsf.org/newsroom_pdf/concrete_pcr_2019.pdf

A4.403.2.3. Compliance. Compliance with the requirements of this chapter shall be demonstrated through any of the compliance options in Sections 4.403.2.3.2 through 4.403.2.3.5:

Table A4.403.2.3 Cement and Embodied Carbon Limit Pathways

	Cement limits for use with any compliance method A4.403.2.3.2 to A4.403.2.3.5	Embodied Carbon limits for use with any compliance method A4.403.2.3.2 to A4.403.2.3.5
Minimum specified compressive strength f_c , psi (1)	Maximum ordinary Portland cement content, lbs/yd ³ (2)	Maximum embodied carbon kg CO ₂ e/m ³ , per EPD
up to 2500	362	260
3000	410	289
4000	456	313
5000	503	338
6000	531	356
7000	594	394
7001 and higher	657	433
up to 3000 light weight	512	578
4000 light weight	571	626
5000 light weight	629	675
Notes		
(1) For concrete strengths between the stated values, use linear interpolation to determine cement and/or embodied carbon limits.		
(2) Portland cement of any type per ASTM C150.		

A4.403.2.3.1 Allowable Increases.

(1) Cement and Embodied Carbon Limit Allowances. Cement or Embodied Carbon limits shown in Table A4.403.2.3 can be increased by 30% for concretes demonstrated to the Building Official as requiring high early strength. Such concretes could include, but are not limited to, precast, prestressed *concrete*; beams and slabs above grade; and shotcrete

(2) Approved Cements. The maximum cement content may be increased proportionately above the tabulated value when using an approved cement, or blended cement, demonstrated by approved EPD to have a plant-specific EPD lower than 1040 kg

CO₂e/metric ton. The increase in allowable cement content would be (1040 / plant=specific EPD) %.

A4.403.2.3.2 Cement Limit Method — Mix. Cement content of a concrete mix using this method shall not exceed the value shown in the Table A4.403.2.3. Use of this method is limited to concrete with specified compressive strength not exceeding 5,000 psi.

A4.403.2.3.3 Cement Limit Method — Project. Total cement content shall be based on total cement usage of all concrete mix designs within the same project. Total cement content for a project shall not exceed the value calculated according to Equation A4.403.2.3.3.

Equation A4.403.2.3.3:

$$\text{Cem}_{\text{proj}} < \text{Cem}_{\text{allowed}}$$

where

$$\text{Cem}_{\text{proj}} = \sum \text{Cem}_n v_n \text{ and } \text{Cem}_{\text{allowed}} = \sum \text{Cem}_{\text{lim}} v_n$$

and

n = the total number of *concrete* mixtures for the project

Cem_n = the cement content for mixture n , kg/m³ or lb/yd³

Cem_{lim} = the maximum cement content for mixture n per Table A4.403.2.3, kg/m³ or lb/yd³

v_n = the volume of mixture n *concrete* to be placed, yd³ or m³

Applicant can use yd³ or m³ for calculation, but must keep same units throughout

A4.403.2.3.4. Embodied Carbon Method — Mix. Embodied carbon of a *concrete* mix, based on an approved environmental product declaration (EPD), shall not exceed the value given in Table A4.403.2.3.

A4.403.2.3.5. Embodied Carbon Method — Project. Total embodied carbon (EC_{proj}) of all *concrete* mix designs within the same project shall not exceed the project limit ($\text{EC}_{\text{allowed}}$) determined using Table A4.403.2.3 and Equation A4.403.2.3.5.

Equation A4.403.2.3.5:

$$\text{EC}_{\text{proj}} < \text{EC}_{\text{allowed}}$$

where

$$\text{EC}_{\text{proj}} = \sum \text{EC}_n v_n \text{ and } \text{EC}_{\text{allowed}} = \sum \text{EC}_{\text{lim}} v_n$$

and

n = the total number of *concrete* mixtures for the project

EC_n = the embodied carbon potential for mixture n per mixture EPD, kg/m³

EC_{lim} = the embodied carbon potential limit for mixture n per Table A4.403.2.3, kg/m³

v_n = the volume of mixture n concrete to be placed, yd^3 or m^3

Applicant can use yd^3 or m^3 for calculation, but must keep same units throughout.

A4.403.2.3.6. Enforcement.

As a condition prior to the issuance of every building permit involving placement of concrete, the permit applicant shall be required to submit a completed low-carbon concrete compliance form that shall be provided by and reviewed for compliance by the building department prior to issuing the permit.

As a condition of such building permits, and prior to approving construction inspections following placement of concrete, the permit applicant shall be required to submit batch certificates and/or EPDs provided by the concrete provider that demonstrate compliance with the low-carbon concrete compliance form on file with the building permit. The batch certificates and/or EPDs shall be reviewed for compliance by the building department prior to approving any further inspections.

When deviations from compliance with this section occur, the chief building official or his designee is authorized to require evidence of equivalent carbon reductions from the portions of remaining construction of the project to demonstrate alternative compliance with the intent of this chapter.

For projects involving placement of concrete by, or on behalf of, a public works, parks, or similar department the director of such department, or his/her assignee, shall maintain accurate records of the total volume (in cubic yards) of all concrete placed, as well as the total compliant volume (in cubic yards) of all concrete placed, and shall report this data annually to the governing body in a form expressing an annual compliance percentage derived from the quotient of total compliant concrete volume placed divided by total concrete volume placed.

A4.403.2.3.7. Exemptions.

(a) Hardship or infeasibility exemption. If an applicant for a project subject to this chapter believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility. The applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. Circumstances that constitute hardship or infeasibility may include, but are not limited to the following:

- (1) There is a lack of commercially available material necessary to comply with this chapter;
- (2) The cost of achieving compliance is disproportionate to the overall cost of the project;
- (3) Compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures as regulated by the California Historic Building Code (Title 24, Part 8).

(b) Granting of exemption. If the chief building official determines that it is a hardship or

infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the California Building Standards Code, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.

(c) Denial of exception. If the chief building official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.

16.14.250 Section A4.408.1 Enhanced Construction Waste Reduction.

Section A4.408.1 of Appendix A4 of the California Green Building Standards Code is adopted as a mandatory measure 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.

Exceptions:

1. Residential stand-alone mechanical, electrical or plumbing permits.
2. Commercial stand-alone mechanical, electrical or plumbing permits.

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

Division A4.5 – ENVIRONMENTAL QUALITY

16.14.260 Section A4.504.1 Compliance with formaldehyde limits.

Section A4.504.1 of Appendix A5 of the California Green Building Standards Code is adopted as a Tier 1 and Tier 2 elective measure.

16.14.270 Section A4.504.3 Thermal insulation.

Section A4.504.3 of Appendix A5 of the California Green Building Standards Code 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.

CHAPTER 5 – NONRESIDENTIAL MANDATORY MEASURES*Division 5.1 – PLANNING AND DESIGN***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 of Chapter 5 of the California Green Building Standards Code 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 of Chapter 5 of the California Green Building Standards Code 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 103.2(b) and 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 5.106.13 All-Electric Buildings.

Section 5.106.13 5 of Chapter 5 of the California Green Building Standards Code is as a mandatory measure added to read:

5.106.13 ALL-ELECTRIC BUILDING / SITE. A building or parcel of land whose sole source of energy is electricity and contains no combustion equipment or plumbing for combustion equipment.

5.106.13.1 Full electrification. Full electrification is required for new buildings substantial remodels, and new outdoor appliances/equipment such as grill, stove, barbeque, fireplace, firepit, heater for swimming pool/spa, and similar equipment.

Division 5.3 – WATER EFFICIENCY AND CONSERVATION

16.14.330 Section 5.304.2 Invasive Species Prohibited.

Section 5.304.2 of Chapter 5 of the California Green Building Standards Code is added as mandatory measure 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.

16.14.340 Section 5.306 Non-residential enhanced water budget.

Section 5.306 of Chapter 5 of the California Green Building Standards Code is added as mandatory measure 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.

16.14.350 Section 5.307 Cooling Tower Water Use.

Section 5.307 Cooling Tower Water Use is added as mandatory to read:

5.307 COOLING TOWER WATER USE

5.307.1. Cooling Tower Water Use in Highrise Residential or Non-Residential Buildings.

Cooling tower water use must meet the conditions as follows and as outlined in Palo Alto Municipal Code Section 16.08.100. Projects are required to perform a potable water analysis at the site to meet the maximum concentration of parameters noted in Table 5.307.1

Table 5.307.1

Ca (as CaCO ₃)	600 ppm
Total alkalinity	500 ppm
SiO ₂	150 ppm
Cr	300 ppm
Conductivity	3300 Us/cm

Calculate maximum number of cycles that can be achieved with these levels of concentration shall be included in the plumbing design plans.

Division 5.4 – MATERIAL CONSERVATION AND RESOUCE EFFICIENCY

16.14.360 Section 5.410.4.6 Energy STAR portfolio manager.

Section 5.410.4.6 of Chapter 5 of the California Green Building Standards is added as mandatory measure 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.

16.14.370 Section 5.410.4.7 Performance reviews – energy.

Section 5.410.4.7 of Chapter 5 of the California Green Building Standards 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

NOT YET ADOPTED

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.

16.14.380 Section 5.410.4.8 Performance reviews – water.

Section 5.410.4.8 of Chapter 5 of the California Green Building Standards 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 CPAU, 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.

16.14.390 Section 5.506 Indoor Air Quality.

Section 5.506.4 of Chapter 5 of the California Green Building Standards is added as mandatory measure to read:

Section 5.506.4 Indoor Air Quality Management Plan. All commercial and multi-family projects must submit an Indoor Air Quality Management Plan (IAQ) with building permit application in accordance with the Sheet Metal and Air Conditioning Contractors National Association (SMACNA IAQ) Guidelines for Occupied Buildings Under Construction, 2nd edition ANSI/SMACNA 008-2008.

APPENDIX A5 – NONRESIDENTIAL VOLUNTARY MEASURES

Division A5.4 – MATERIAL CONSERVATION AND RESOUCE EFFICIENCY

16.14.400 Section A5.405.5 Cement and concrete.

Section A5.405.5 of Appendix A5 of the California Green Building Standards Code is adopted as a Mandatory measure for Tier 1 and Tier 2 projects and is amended to read:

A5.405.5 Cement and Concrete. Use cement and concrete made with recycled products and complying with the following sections and requirements per **PAMC Chapter 16.14.240**.

16.14.410 Section A5.408 Construction Waste Reduction, Disposal and Recycling.

Section A5.408 of Appendix A5 of the California Green Building Standards Code is adopted as a Mandatory measure for Tier 2 projects and is amended to read:

A5.408.3.1 Waste enhanced construction waste reduction. (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 of \$25,000 or more. Non-residential projects with a lower valuation shall remain subject to California Green Building Standards Code Chapter 5 mandatory measures.

Exceptions:

1. Residential stand-alone mechanical, electrical or plumbing permits.
2. Commercial stand-alone mechanical, electrical or plumbing permits.

A5408.3.1.1 - Deleted

A4.408.1.2 Documentation. Documentation shall be provided to the enforcing agency which demonstrates compliance with all construction and demolition waste reduction requirements.

APPENDIX A4 – RESIDENTIAL VOLUNTARY MEASURES - EVSE

Division A4.1 – PLANNING AND DESIGN

16.14.420 Section A4.106.8 Electric Vehicle (EV) Charging.

Section A4.106.8 of the California Green Building Standards Code is deleted in its entirety and adopted as a mandatory measure 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.

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 One (1) Level 2 electrical vehicle supply equipment (EVSE) or one (1) EV ready space (Low Power Level 2 EV Charging Receptacle is acceptable provided that the infrastructure comply with section 4.106.4.1) for each residence (except for accessory dwelling unit (ADU)).
- (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 regulations.

A4.106.8.2 New Multi-Family Dwellings. The following standards apply to newly constructed residences in a multi-family residential structure.

- (a) **Resident parking.** The property owner shall provide at least one (1) Level 2 electrical vehicle supply equipment (EVSE) or one (1) Level 2 EV Ready space for each residential unit in the structure (Low Power Level 2 EV Charging Receptacle is acceptable for 60% of the total EV parking spaces) .
- (b) **Guest parking.** The property owner shall provide EV Capable Space, EV-Ready Space, 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 2022 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 the EV requirements specified in (a) and (b) above.
- (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 regulations.

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

- (a) **In general.** The property owner shall provide at least 30% EV Ready Space and at least 10% Level 2 EVSE installed for of the total parking spaces.
- (b) **Accessible spaces.** Projects shall (b) comply with the 2022 California Building Code requirements for accessible electric vehicle parking.
- (c) **Minimum total circuit capacity.** The property owner shall ensure sufficient circuit

NOT YET ADOPTED

capacity, as determined by the Chief Building Official or designee , to support a Level 2 EVSE in every location where EV-Ready space or EVSE Installed is required.

- (d) **Location.** The EVSE and/or receptacles, 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.

APPENDIX A5 – NONRESIDENTIAL VOLUNTARY MEASURES

Division A5.1 – PLANNING AND DESIGN

16.14.430 Section A5.106.5.3 Electric Vehicle (EV) Charging for Non-Residential Structures.

Section A5.106.5.3 of the California Green Building Standards Code is adopted as a mandatory measure 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.

A5.106.5.3.5 Non-Residential Structures Other than Hotels. The following standards apply to newly constructed non-residential structures other than hotels.

In general. For building with 10 to 20 parking spaces, the property owner shall provide at least 20% EV Capable or EVSE-Ready space, and at least 20% Level 2 EVSE installed of the total parking spaces.

For building with over 20 parking spaces, the property owner shall provide at least 15% EV Capable or EVSE-Ready space, and at least 15% EVSE installed for of the total parking spaces

Accessible spaces. Projects shall comply with the 2022 California Building Code requirements for accessible electric vehicle parking.

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 EVSE Capable space, EVSE-Ready space or EVSE Installed is required.

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 regulations.

SECTION 2. The Council adopts the findings for local amendments to the California Green Building Standards Code, 2022 Edition, attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 3. 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 4. 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.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

Director of Administrative Services

NOT YET ADOPTED

Exhibit A
FINDINGS FOR LOCAL AMENDMENTS TO CALIFORNIA GREEN BUILDING STANDARD CODE
TITLE 24, PART 11

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.

Code: California Green Building Standard Code, Title 24, Part 11					
Chapter(s), Sections(s), Appendices	Title	Add	Deleted	Amended	Justification (See below of keys)
Ch. 1	ADMINISTRATION	✓			A
101.4	Appendices	✓			A
	Administration and Enforcement	✓			A
202	Definition	✓			A
301	Voluntary tiers added			✓	C, E
301.1	Scope			✓	C, E
301.1.1	Residential additions and alterations			✓	C, E
301.2	Low-rise and high-rise residential buildings			✓	C, E
301.2.1	Low-Rise residential new construction – Tier 2 adopted			✓	C, E
301.3	Non-residential additions and alterations			✓	C, E
301.3.3	Non-residential new construction – Tier 2			✓	C, E
301.6	Special inspector requirements			✓	C, E
301.7	Low-carbon concrete requirements for all projects			✓	C, E
4.106	Site Development	✓			C, E
4.306	Swimming pool and spa covers	✓			C, E
4.509	Heat pump water heater	✓			C, E
702.2	Special Inspection	✓			C, E
A4.104	Site preservation			✓	C, E

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A4.105	Deconstruction and reuse of existing materials			✓	C, E
A4.106.8	Electric Vehicle (EV) Charging for New Construction	✓			C, E
A4.106.9	Bicycle parking			✓	C, E
A4.106.10	Light pollution reduction			✓	C, E
A4.203.1	Performance Approach for Newly Constructed Buildings			✓	C, E
A4.304.3	Irrigation Metering Device			✓	C, E
A4.305	Water reuse systems			✓	C, E
A4.403.1	Frost protection foundation systems			✓	C, E
A4.403.2	Reduction in cement use			✓	C, E
A4.408.1	Enhanced Construction Waste Reduction	✓			C, E
A4.504.1	Compliance with formaldehyde limits			✓	C, E
A4.504.3	Thermal insulation			✓	C, E
5.106.1.1	Local stormwater pollution prevention			✓	C, E
5.106.8	Light pollution reduction			✓	C
5.106.13	All-electric buildings			✓	E
5.304.2	Invasive Species	✓			C, E
5.306	Non-residential enhanced water budget	✓			E
5.307	Cooling tower water use	✓			C
A5.405.5	Cement and Concrete	✓			C, E
A5.408	Construction Waste Reduction, Disposal and Recycling	✓			C, E
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
5.506.4	Indoor Air Quality Management Plan	✓			C, E
A4.106.8	Electrical Vehicle (EV) Charging for Residential Structures	✓			C, E
A4.106.8.1	New One-family, two-family and townhouse dwellings	✓			C, E
A4.106.8.2	New Multi-family Dwellings	✓			C, E
A4.106.8.3	New hotels	✓			C, E
A5.106.5.3	Electric Vehicle (EV) Charging for non-residential structures	✓			C, E
A5.106.5.3.5	Non-Residential Structures other than hotels	✓			C, 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

- A** This is an **administrative** amendment to clarify and establish civil and administrative procedures, regulations, or rules to enforce and administer the activities by the Palo Alto Building Inspection Department. These administrative amendments do not need to meet HSC 18941.5/17958/13869 per HSC 18909(c).
- 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. Natural gas combustion and gas appliances emit a wide range of air pollutants, such as carbon monoxide (CO), nitrogen oxides (NOx, including nitrogen dioxide (NO2)), particulate matter (PM), and formaldehyde, which according to a UCLA Study, have been linked to various acute and chronic health effects, and additionally exceed levels set by national and California-based ambient air quality standards. 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, 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. All-electric new buildings benefit the health, safety, and welfare, of Palo Alto and its residents. Requiring all-electric construction, without gas infrastructure will reduce the amount of greenhouse gas produced in Palo Alto and will contribute to reducing the impact of climate change and the associated risks. Due to decrease in annual rain fall, Palo Alto experiences the effect of drought and water saving more than some other communities in California. Embodied carbon of concrete is a significant contributor to greenhouse gas emissions and climate change, and this amendment includes a requirement to use low-carbon concrete. Providing additional capacity for electric vehicle use reduces use of gasoline which is a major contributor to climate change.
- 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) Reduce the use of natural gas in buildings which improves indoor environmental quality and health;
 - (c) Reduce the use of natural gas which will reduce the natural gas infrastructure and

NOT YET ADOPTED

- fire risk over time;
- (d) Reduce the embodied carbon of concrete which reduces greenhouse gas emissions;
 - (e) Increase water and resource conservation;
 - (f) Reduce waste generated by construction and demolition projects;
 - (g) Provide durable buildings that are efficient and economical to own and operate;
 - (h) Promote the health and productivity of residents, workers, and visitors to the city;
 - (i) Recognize and conserve the energy embodied in existing buildings;
 - (j) Increase capacity for use of electric vehicles which reduces greenhouse gas emissions and improves air quality;
 - (k) Encourage alternative transportation; and
 - (l) 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. Reduction or eliminating of natural gas infrastructure over time will reduce maintenance costs and fire risk in difficult geological conditions.
- 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. In addition, the reduction or elimination of natural gas infrastructure reduces the likelihood of fire or environmental damage should they become disrupted due to challenging topographic conditions during construction or repair.

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2022 Edition, and Local Amendments and Related Findings

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

SECTION 1. Chapter 16.17 of the Palo Alto Municipal is hereby amended by repealing in its entirety Chapter 16.17 and adopting a new Chapter 16.17 to read as follows:

**CHAPTER 16.17
CALIFORNIA ENERGY CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 6**

Sections

- 16.17.010** **2022 California Energy Code, Title 24, Part 6 adopted.**
16.05.020 **Cross - References to California Energy Code.**
16.17.030 **ADMINISTRATION & ENFORCEMENT OF 2022 CALIFORNIA ENEGY CODE.**
16.17.040 **Violations - Penalties.**

16.17.010 **2022 California Energy Code, Title 24, Part 6 adopted.**

The California Energy Code, 2022 Edition, Title 24, Part 6 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. Except as amended herein, all requirements of the California Energy Code, 2022 Edition, Title 24, Part 6 of the California Code of Regulations shall apply.

Unless superseded and expressly repealed, references in City of Palo Alto forms, documents and regulations to the chapters and sections of the former editions of the California Code of Regulations, Title 24, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2022. Ordinance No. 5485 of the City of Palo Alto and all other ordinances or parts of ordinances in conflict herewith are hereby suspended and expressly repealed.

One copy of the California Energy Code, 2022 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.17.020 **Cross - References to California Energy Code.**

The provisions of this Chapter contain cross-references to the provisions of the California Energy Code, 2022 Edition, in order to facilitate reference and comparison to those provisions.

16.17.030 ADMINISTRATION & ENFORCEMENT OF 2022 CALIFORNIA ENEGY CODE.

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04.

16.17.040 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.

SECTION 2. 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.

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SECTION 3. 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:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

Director of Administrative Services



City of Palo Alto

City Council Staff Report

(ID # 14933)

Meeting Date: 11/14/2022

Report Type: Consent Calendar

Title: Adoption of a Resolution for the Santa Clara County Historical Heritage Grant Program Authorizing the Application and Receipt of Grant Funds by the City of Palo Alto for the Roth Building (300 Homer Ave) Windows Rehabilitation & Restoration

From: City Manager

Lead Department: Administrative Services

Recommendation

Staff recommends that Council adopt the attached resolution (Attachment A) to comply with an application for historical heritage grant program funds from the County of Santa Clara to restore and repair the 59 existing windows and glass in the Roth Building (300 Homer Ave.).

Background

The Palo Alto Museum (PAM) has been working for several years to raise funding through various means including grants. In partnership with the City, as the owner of the facility, PAM sought and received the award of grants from Santa Clara County. Table 1 summarizes the grant opportunities that the Museum, in partnership with the City has pursued and been awarded in the past.

Table 1: Summary of Roth Building Grants		
Council Resolution Date /CMR	Purpose	Awarded Grant Amount
12/17/2018; CMR 9767	Replacement of a portion of the clay tile roof	\$102,992
4/12/2021; CMR 12028	Preservation of the Art Frescoes	\$105,150
4/12/2021; CMR 12028	Second grant to cover replacement of clay tile roof	\$200,000
12/06/21; CMR 13805	Restoration of the Roth Building elevator	\$350,000
Total		\$758,142

The City has continued its long history with PAM in partnership to develop the Roth Building.

The most recent staff report from November 2021¹ which discusses the current status of lease negotiations with PAM. Since then, the Mayor announced the creation of an AdHoc committee in Spring 2022 and the appointment of two Councilmembers to that committee. Staff, the AdHoc Committee, and PAM have been working regularly to address and finalize lease and construction work documents.

Discussion

Council approval of the proposed resolution (Attachment A) would authorize the City Manager to execute the grant agreement and administer the grant and commit to a park use for at least twenty years. These terms are similar to prior County historical grants received for the Roth Building and approved by Council. The program guide for the grant can be found on the County's website for HHGP Procedural Guide for FY 2023². Grant funds will be used to restore and repair the 59 existing windows and glass in the Roth Building to their historical beauty, showcasing their unique features, making them energy efficient, and preserving them for years to come.

Staff received direction from the City Council on November 15, 2021 regarding lease negotiations with PAM³. Staff requires City Council adoption of the resolution to complete the County of Santa Clara historical heritage grant application. Work on the rehabilitation and draw on these grant funds, if awarded, will not occur until final lease and construction documents are completed and approved by the City Council. This grant, if approved by the County, is requesting \$182,448 towards the renovation of the windows. The total project cost is estimated at \$214,203. The remaining project costs of \$31,755 are expected to come from other PAM funding sources.

Timeline

Construction is anticipated to begin after the Council approval of the lease. Once costs are incurred for the grant funded portions of the project the City can seek reimbursement via the County of Santa Clara. Final grant application documents are due before December 15, 2022 which would include both this completed resolution as well as a completed lease agreement.

Resource Impact

Council approval of the resolution will allow the City to enter into the grant program for the opportunity to receive County funding of \$182,448 for restoration of the windows once the overall Roth Building project is initiated. Grant funds awarded to date total \$758,142. Should

¹ City Council Staff Report November 2021 #13760 <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/11-november/20211115/20211115pccsm-amended-linked.pdf>

² <https://parks.sccgov.org/sites/g/files/exjcpb961/files/documents/FY2023%20HHGP%20Procedural%20Guide.pdf>

³ City Council Staff Report November 2021 #13760 <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/11-november/20211115/20211115pccsm-amended-linked.pdf>

the City/PAM be awarded grant funds for window restoration, the revised total will be \$940,590.

Stakeholder Engagement

Staff has coordinated with PAM and the County of Santa Clara staff to prepare and finalize the grant application and resolution.

Environmental Review

The Roth Building rehabilitation project is Categorical Exempt from CEQA review pursuant to CEQA guidelines section 15331, Historical Resource Restoration/Rehabilitation, as a project limited to maintenance, repair, and rehabilitation in accordance with the secretary of interior standards for historic preservation.

Attachments:

- **Attachment 7.a:** Attachment A: Resolution, County of Santa Clara Grant for Roth Building Windows Rehabilitation and Restoration

NOT YET APPROVED

Resolution No. _____

Resolution of the Council of the City of Palo Alto Approving the
City of Palo Alto's Application for a County of Santa Clara
Historical Heritage Grant for Restoration and Repair of the Roth
Building Windows in Heritage Park

R E C I T A L S

- A. The County of Santa Clara ("County") has established the Historical Heritage Grant program to promote historic preservation and the awareness of significant cultural, historical, and archaeological resources within Santa Clara County ("Grant Program"); and
- B. The County funds the Grant Program with County Park Charter Development Funds, which must be used for the development of real property for county park purposes; and
- C. The County requires that the property on which the grant-funded project is located be continually used for park purposes for a minimum of 20 years and be open to all Santa Clara County residents on a non-discriminatory basis; and
- D. The City of Palo Alto (the "Applicant") proposes that the County award Grant Program funds for the restoration and repair of the windows in the Roth Building in Heritage Park (the "Project"), located at 300 Homer Ave, Palo Alto, California 94301 (the "Property"), and owned or controlled by the City of Palo Alto (the "Property Holder"); and
- E. The Property Holder has granted permission (consent) to Applicant to use the property for the Project for the period of twenty years (20 years), and said consent is evidenced by a grant deed, lease, license or other agreement granting such rights to the Applicant; and
- F. Applicant is required pursuant to the Historical Heritage Grant Program Procedural Guide to designate a legally authorized representative to administer the Project and to execute the Grant Funding Agreement ("Grant Agreement"), along with any amendments thereto, on behalf of the Applicant.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. The Project is located on land that will be continually used for park purposes for a minimum of 20 years and, subject to Constitutional or local Charter limits on appropriations for future years, will be open to all Santa Clara County residents on a non-discriminatory basis; and

SECTION 2. The City of Palo Alto has reviewed the proposed Project and provided all required approvals for the Project in the Park, including, but not limited to, any licenses, permits, environmental review and will approve the operational agreements required prior to authorizing construction; and

NOT YET APPROVED

SECTION 3. The City Council hereby delegates authority to the City Manager or their designee, to sign and submit the Grant Application to the County, to negotiate, execute, amend, or terminate the Grant Agreement and any other agreements in relation to the Historical Heritage Grant Program, and authority to administer and carry out all terms and conditions of the Grant Agreement and related agreements including, but not limited to, taking any and all other necessary actions to complete the Project.

SECTION 4. By delegating such authority to the City Manager, the City Council acknowledges, agrees, represents and warrants that the execution of the Grant Agreement and any and all other agreements or amendments by the City Manager binds and obligates the City Council of the City of Palo Alto to comply with all terms and conditions of such agreements, without the necessity of additional approvals or conditions;

SECTION 5. The City Council has had the opportunity to seek the advice of its own legal counsel and other professionals in connection with the Grant Agreement and the Historical Heritage Grant Program Procedural Guide.

SECTION 6. The City Council hereby approves the grant application submitted on its behalf to the County’s Historical Heritage Grant Program funds for the restoration and repair of the Roth Building Windows Project in Heritage Park.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

Chief Assistant City Attorney

City Manager

Director of Administrative Services



City of Palo Alto

City Council Staff Report

(ID # 14929)

Meeting Date: 11/14/2022

Report Type: Action Items

Title: PUBLIC HEARING: Staff Recommend the City Council Review the North Ventura Coordinated Area Plan (NVCAP) Refined Preferred Alternative, Take Public Comment, and Endorse the Refined Preferred Alternative Plan.

From: City Manager

Lead Department: Planning and Development Services

This Memorandum provides responses to Council inquiries from the October 24, 2022 City Council meeting.

As a reminder – Council previously gave staff direction on the preparation of a preferred NVCAP plan – the purpose of this report is to ensure the plan as represented is consistent with the Council’s vision before continuing with costly and time intensive technical analysis and regulatory standards. Staff also identified four discrete topics it was seeking Council direction on, including:

- Height transitions
 - Confirming Architectural Review Board (ARB) approach to support a one-story transition in height;
- Approach towards negative effects of employment density
 - Confirming the use of Transportation Demand Management (TDM);
- Parking regulations considering the passage of Assembly Bill (AB) 2097
 - Confirming implementation of AB 2097 and using parking maximums instead of parking minimums; and,
- Height for future affordable housing site near Matadero Creek (Sobrato/City DA)
 - Confirming height up to seven stories to allow for ground floor commercial and/or at and above grade parking.

After hearing the presentation, the Council received public testimony and provided staff with questions to be answered at a subsequent meeting. The Council continued the item to November 14, 2022. This memo provides responses to those questions.

City Council Questions

1. *Describe an enforceable Transportation Demand Management (TDM) program.*

TDMs are described in the Palo Alto Municipal Code (PAMC) Chapter 18.52.050(d). Initial monitoring reports are due within the first two years of implementation and annually thereafter. Reports are reviewed by staff to ensure compliance with targets. The enforceability of TDM depends on establishing clear and readily verifiable performance measures and staff resources. Where the monitoring reports indicate that performance measures are not met, the director in collaboration with the City's Chief Transportation Official may require program modifications and may impose administrative penalties if identified deficiencies are not addressed within six months.

2. Describe how additional height may be applied to the properties between Park Boulevard and the train tracks.

Height limits could be increased in that area for residential and residential mixed-use development. Staff did not receive direction from the Council regarding any additional increases in residential density for the overall NVCAP buildout. Residential was not contemplated in that area for the preferred alternative since few properties would be available for redevelopment and they were not considered opportunity development sites.

If the Council desires, the height limit for residential development could be set between 55-60 feet to accommodate a five-story all residential building or taller for a five-story residential above one or two levels of commercial development.

3. Estimate the job creation versus housing impact for NVCAP Alternative 3B.

Alternative 3B anticipated 1,490 new dwelling units. Alternative 3B needed 580 dwelling units to support the plan's proposed new jobs.

4. What would be the job generation impact of implementing Metropolitan Transportation Commission (MTC) Transit Oriented Communities (TOC) 2.0 to 4.0 Floor Area Ratio (FAR) for office?

Implementing the TOC policies on GM, CS and CN properties within the NVCAP and assuming that all new square footage would be office equates between 2,952 and 6,674 new jobs. The preferred plan does not assume job growth because loss of office square footage will support new residential and park space.

5. What is the status of the MTC TOC proposed policies and should we participate in the final formation of that if it is not codified?

The MTC adopted the TOC policies on September 28, 2022. MTC anticipates a few years to implement the policies to tie to their future grant funding programs.

6. *Legally are we able to have affordable standards that would favor greater social and economic diversity for previously disenfranchised communities?*

Staff is continuing to research this issue and anticipates being able to provide an update at the meeting.

7. *Provide a summary of Assembly Bill (AB) 2097.*

AB 2097 prohibits a city from imposing parking requirements on developments that are within 1/2 mile of a major public transit stop, as defined in state law. The bill includes limited exceptions in the event a city can make certain findings, supported by a preponderance of the evidence. To take advantage of these exceptions, the City would have to develop evidence to support findings that the absence of parking requirements would have a substantially negative impact on:

- 1) the City's ability to meet its share of RHNA for lower income households;
- 2) the City's ability to meet special housing needs identified in its housing element for the elderly or persons with disabilities; or
- 3) existing residential or commercial parking within one-half mile of the housing development project.

Of these three options, the third appears to have the broadest applicability; however, it only speaks to housing development projects. In other words, this would not be a basis for imposing parking requirements on commercial projects under AB 2097. In addition, where housing projects are concerned, AB 2097 provides several exceptions to these exceptions. For housing projects, a city may not use these findings to impose parking requirements if: 1) the project reserves at least 20 percent of its units for moderate income households, students, elderly persons, or persons with disabilities; 2) the project contains fewer than 20 units; or 3) the project is subject to other state laws that permit reduced parking. In short, there is only a very limited class of projects for which the City could utilize findings to impose parking requirements: large housing projects that do not provide at least 20 percent of units for moderate income households, students, elderly persons or persons with disabilities.

8. *What are the Electric Vehicle (EV) charging requirements for the NVCAP?*

Projects will comply with the PAMC and the applicable California Building Code. The following will be required with the adoption of the upcoming Building Code for new projects:

One/Two/Townhouse dwellings:

The property owner shall provide One Level 2 electrical vehicle supply equipment (EVSE) or one EV ready space for each residence (except for accessory dwelling unit (ADU)).

Multi-family dwellings:

The property owner shall provide at least one Level 2 EVSE or one Level 2 EV Ready space for each residential unit in the structure.

Other Non-Residential:

For building with 10 to 20 parking spaces, the property owner shall provide at least 20% EV Capable or EVSE-Ready space, and at least 20% Level 2 EVSE installed of the total parking spaces. For building with over 20 parking spaces, the property owner shall provide at least 15% EV Capable or EVSE-Ready space, and at least 15% EVSE installed for of the total parking spaces.

9. Provide summary of California History Registry.

The building at 200 Portage Avenue, also known as 340 Portage Avenue, is eligible for listing in the California Registry of Historic Resources (CRHR) under Criterion 1 (Events) at the local level. The significance of the building is related to its association with Palo Alto's fruit and vegetable canning and is a rare surviving example of Palo Alto and Santa Clara County's agricultural past. It therefore is a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines.

10. What are the heights of Park Plaza apartment building and the other project on Park Boulevard?

Park Plaza is 38' to 43' with a 60' tower element. The other adjacent site (3045 Park Boulevard) is 31' (37' to elevator and 41' to equipment screen).

11. What are the impacts to housing for the R1 to multi-family housing transition if we did not implement?

If the code does not change, then the height limit would remain 35 feet for the affected El Camino Real properties. Because of the daylight plane, shorter buildings may be placed closer to the R-1 property. Development on these properties may result in a three-story building. If staff's recommendation is followed, then the building would be allowed an additional story, but upper stories will be placed farther away from the R-1 property because of implementing the daylight plane.

12. How does the future below market rate (BMR) project site affect the historic aspect of the cannery building?

To some extent the conceptual project referenced in the question has been studied as an alternative project in the draft environmental impact report for the Sobrato/City development agreement and accessible online.¹ However, a further environmental review may be needed when an actual project is prepared to potential impacts to cultural resources in the area.

13. Regarding Slides 13 and 14, is the 65-foot height recommended by staff the same or different than what was presented previously?

¹ DEIR 200 Portage Townhome Project: https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/new-development-projects/200-portage/200-portage-ave-townhome-project_draft-eir.pdf

The Council previously endorsed heights for 100% affordable housing projects with five-story all residential or six-story residential-mixed use. A five-story residential building can be accomplished within 55 feet and a six-story residential mixed-use building can be accomplished within 65-70 feet. Staff is seeking clarification as to whether additional height flexibility should be incorporated for this specific site to accommodate additional parking in a one or two level at and above grade parking structure to support the affordable housing project and potentially some additional public parking or tall ceiling retail space. Accordingly, staff seeks Council guidance to consider heights up to 75-80 feet at this specific location. Should the Council prefer to allow the greater height flexibility now it may eliminate the need to amend the NVCAP shortly after adoption later next year – if greater height is ultimately desired.

14. Has anyone built above these parking maximums and how this has worked elsewhere - why would we adopt it?

The following cities have implemented parking maximums within the Bay Area: Sunnyvale, Redwood City, Berkeley, Gilroy, Alameda, Novato, Oakland, and San Francisco. The following are reasons supporting a parking maximum strategy and provided for on the MTC website:

- Limits the amount of excess parking built, particularly in areas where walking and multimodal mobility are most viable as alternatives to driving.
- Reduces traffic congestion and vehicle miles travelled (VMT) by reducing parking activity.
- Reduces housing costs by reducing the cost of constructing parking and increasing the potential number of units that can be developed.
- Emphasizes the expectation of reduced parking needs in key development areas.

The Fehr & Peers 2018 Multi-family Rental Residential Development parking rate study prepared for the NVCAP supported minimums endorsed by the Council because higher parking rates are expected to lead to oversupply. Establishing a parking maximum approach would be consistent with the NVCAP goals but this strategy is not required and the Council may decline this staff recommendation.

Notwithstanding the answers to the above questions, staff again is only seeking minor discrete refinements to affirm direction of the NVCAP plan. Should Council wish to provide direction in other areas of the plan, staff may need to assess the workload and other resources required. Substantive changes in direction is expected to further delay this effort and may jeopardize the City's ability to recover costs for plan preparation, calling into question the value of proceeding with this planning effort.



City of Palo Alto

City Council Staff Report

(ID # 14932)

Meeting Date: 11/14/2022

Report Type: Action Items

Title: Review and Provide Direction on Wage and Benefits Requirements for Inclusion in a New Janitorial Services Request for Proposal (RFP)

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council review and provide direction on the wage and benefits requirements for the new Janitorial Services Request for Proposal (RFP).

Executive Summary

Staff is seeking Council direction on wage and benefit requirements for inclusion in a new janitorial services RFP that will solicit proposals to service City facilities. To assist Council in the discussion, options are presented for further input.

- Wage and benefit requirement options:
 - Option 1 City-Determined Wages/Benefits: Total wage and benefits of \$20.84 (estimated)
 - Option 2 PUC Prevailing Wage/Benefits: Total wage and benefits of \$29.98
 - Option 3 PUC + Union Wage/Benefits: Total wage and benefits of \$29.98 or higher
- Adding two additional janitorial job classifications for a total of seven classifications with higher pay requirements for more demanding or highly skilled work

Mayor Burt and Councilmember Stone, through a Colleagues Memo, have recommended that a new janitorial contractor be required to provide PUC prevailing wages and benefits at a minimum and require employees be covered by a collective bargaining agreement.

Council direction on RFP wage and benefit requirements is critical to proceeding with the RFP. Delay would result in the need for an additional extension of the current contract to avoid a gap in janitorial services between the existing and new contract. The RFP process is currently structured to solicit and select a new contractor, with a new contract negotiated by early 2023. Staff will bring forward a new contract for Council consideration in early 2023.

Background

The City's current janitorial services contract expires on February 28, 2023. The contract was for a five-year term beginning in 2017, with a six-month extension approved by Council in June 2022¹. Past janitorial contractors struggled to meet the City's contract performance standards. As part of the 2017 procurement, staff placed greater emphasis on meeting performance solutions and adequate staffing levels. As part of the 2017 RFP requirements and evaluation process, staff recognized that emphasis on characteristics such as paying a higher wage and provision of health care and paid time off benefits would support the goals of a more reliable and higher performing work force. The current contractor proposed the highest employee hourly wage, provided paid time off, and health and welfare benefits to their employees. Wages and benefits were included in the contract terms given their importance in determination of the successful bidder. The improvement from previous contractors has been dramatic. The contract custodial staffing has been well-managed by the current contractor, with an employee retention rate for the entire five-year contract of almost 90 percent. Staff receives infrequent to no complaints of service levels, a significant improvement from the daily complaints of missed or poor services experienced with prior service providers.

Discussion

An RFP to solicit responses for janitorial services has been drafted and is ready for issuance pending refinements as directed by the City Council as part of this item. The RFP retains key changes from the 2017 RFP model to eliminate past contractor performance issues and focus on quality and consistency of services by: requiring a minimum level of staffing, requiring a minimum level of management, and requiring a minimum cost for material and supplies to help contractors bid the job more accurately.

In addition to the continuation of 2017 RFP requirements, the current draft RFP specifies two new requirements:

- 1) Baseline wage and benefit requirements for the contract: This provides a degree of transparency in the proposers' cost structure, clarity of objectives, and hopefully ensures meeting goals of high retention rates as currently have been experienced.
- 2) Defines two proposed additional janitorial job classifications for a total of seven classifications: This provides higher wage requirements for more demanding or highly skilled work (see Table 1 below).

Wage requirements, referenced as 'City-determined Wages' in Table 1, are essentially a continuation of the wages required by the current contract. For example, the current contract hourly wage for the Custodian classification is \$17.39, while the hourly wage contemplated for the RFP is \$17.50. This figure could be adjusted higher based on CPI. This remains in compliance with the expected minimum wage effective January 1, 2023 of \$17.25 per hour.

Staff has also considered requiring proposers to include alternative pricing based on the California Public Utilities Code (PUC) prevailing wage for Janitor/Cleaner work in Santa Clara

¹ City Council Staff Report June 2022 ID# 14161 https://www.cityofpaloalto.org/files/assets/public/public-works/facilities/sr-14161-amendment-to-extend-term-with-swa-services-group-inc_1.pdf

County (Attachment A). While the PUC prevailing wage requirements do not legally apply to the City’s janitorial services, they can be used to define a standard for wages and benefits for this work in Santa Clara County, albeit only for the single job classification of Janitor/Cleaner.

Concurrently, Mayor Burt and Councilmember Stone have submitted a Colleagues Memo on this topic. The Colleagues Memo recommends that the new janitorial contractor be required to provide PUC prevailing wages and benefits at a minimum and have employees covered by a collective bargaining agreement.

Table 1 provides a comparison of hourly wage options for the new janitorial RFP. The PUC prevailing wage is only defined for “Janitor/Cleaner”, so it would apply to all of the custodian classifications that have been defined by the City. If Council directs that wages and benefits be based on the PUC prevailing wage, staff could also develop wage requirements for the classifications other than Custodian, using the PUC prevailing wage for Custodian as a basis. The hourly wage for Union janitorial employees where the wage must be equal to or greater than the PUC prevailing wage is not known, as it would be dependent on specific collective bargaining agreements. Consistent with the current contract, staff expects to include a proposed wage requirement of 3% annual wage increases over the five-year term, or to require increases in alignment with the PUC prevailing wage.

Table 1: Comparison of Janitorial Worker Hourly Wage Options Applicable in May 2023

Classification	City-determined Wages*	PUC Prevailing Wage	PUC + Union Wage
Custodian	\$17.50	\$20.00	\$20.00 or higher
Parking Garage Custodian	\$19.50	\$20.00	\$20.00 or higher
Parks Custodian	\$19.50	\$20.00	\$20.00 or higher
Utility Custodian	\$21.50	\$20.00	\$20.00 or higher
Lead Custodian	\$22.50	\$20.00	\$20.00 or higher
Police Department Custodian	\$25.50	\$20.00	\$20.00 or higher
Supervisor	\$30.50	n/a	unknown

*Classifications and wages developed by staff for the current draft RFP.

In addition to minimum hourly wages, the City’s current contract and the PUC prevailing wage require benefits such as time off and healthcare plans. Table 2 compares the total wages and benefits, expressed as an hourly total, for the three potential RFP options. Similar to the hourly wages comparison in Table 1, the wages and benefits for the for Union janitorial employees where wages and benefits must be equal to or greater than the PUC prevailing wage is not known, as they would be dependent on specific collective bargaining agreements.

Table 2: Comparison of Janitorial Worker Custodian Classification Wages and Benefits Expressed on an Hourly Wage Basis Applicable in May 2023

May-23	City-determined Wages/Benefits	PUC Prevailing Wage/Benefits	PUC + Union Wage/Benefits
Hourly Staff Cost Wage	\$17.50	\$20.00	\$20.00 or higher
Sick & Vacation Benefits	\$0.34	\$0.81	\$0.81 or higher
	1-week PTO	5-10 days vacation, 3 days sick	5-10 days vacation, 3 days sick or more
Holiday	\$0	\$0.46	\$0.46 or higher
	no paid holidays	4 holidays	4 holidays or more
Health & Welfare	\$3.00*	\$8.25	\$8.25 or higher
		Only after 24 months of service	After 24 months of service or earlier
Pension	\$0	\$0.30	\$0.30 or higher
	401k optional		
Leadership & Education	\$0	\$0.09	\$0.09 or higher
	other training		
Other Payment	\$0	\$0.07	\$0.07 or higher
		Industry Investigation Fund	
Total Wage & Benefits	\$20.84	\$29.98	\$29.98 or higher
% Increase from “City-determined Wages/Benefits”	n/a	44%	44% or higher

* Estimated based on Health & Welfare benefits provided under current contract.

As demonstrated in Table 2, transitioning to PUC prevailing wages results in an estimated 44 percent increase in labor costs for the janitorial service provider. Transitioning to PUC prevailing wages as a minimum with Union representation results in an estimated minimum 44 percent increase, dependent on the terms of the collective bargaining agreement.

It is possible for staff to proceed with the RFP requesting alternative pricing for more than one level of required wage and benefits. However, should Council direct the RFP to require a collective bargaining agreement, staff would recommend this be stated as a proposal requirement as individual proposers would likely either meet this requirement or not.

Timeline

The current contract expires on February 28, 2023. With the time needed for solicitation and the upcoming holidays, Council direction on RFP wage and benefit requirements is critical to proceeding with the RFP. Any delays will likely result in the need for an additional extension of the current contract in order to avoid a gap in janitorial services between the existing and new contract.

Resource Impact

Funding for the current contract extended through February 28, 2023 (approximately \$2.5 million annually) was appropriated as part of the Fiscal Year 2023 Adopted Budget. Based on input from Council regarding the wage and benefits requirements for the RFP, additional funding is expected to be needed and will be requested for appropriation when staff returns to Council to recommend contract award. Adjustments to the funding for this contract will also be recommended for alignment with the approved contract as part of the annual budget process for subsequent fiscal years, subject to the Council's appropriation of funding. Council may also question the comparison of the costs described above with an alternative of providing janitorial services with City employees. A preliminary review indicates that an in-house alternative would cost at least 40 percent higher than the highest cost alternative shown here.

Policy Implications

The City does not have a practice of including discretionary wage and benefit requirements in its solicitations for services. Council direction for this janitorial contract RFP may lead to the conclusion that other services should have similar requirements.

Stakeholder Engagement

Staff is seeking direction from Council on wage and benefits requirements for the new RFP, and will conduct industry outreach based on direction received.

Environmental Review

No environmental review is required.

Attachments:

- **Attachment9.a:** Attachment A: Prevailing Wage Sheet

Attachment A

GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS PURSUANT TO CALIFORNIA PUBLIC UTILITIES CODE, SECTIONS 465, 466 AND 467

Determination: STC-2021-1
Issue Date of Determination: December 22, 2021
2019-1

Reference: 22-1877-2
Supersedes Det: STC-

Expiration Date of Determination: April 30, 2024*. Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Office of the Director – Research Unit at (415) 703-4774 for the new rates after ten days from the expiration date if no subsequent determination is issued.

Locality: Santa Clara County
Craft: Janitor/Cleaner

Table with Wage Rates, Classification, and Basic Straight-Time Hourly Rate. Rows include Janitor/Cleaner with expiration dates 4/30/2022, 5/1/2022, and 5/1/2023, and corresponding hourly rates of \$18.25, \$19.25, and \$20.00.

Employer Payments: (Public Utilities Code Section 465)

- Health & Welfare: \$8.25 per hour after 24 months of service.
Paid Holidays: Five (5) holidays per year or \$0.35 per hour after 60 days of service. Effective 5/1/2022 service. Effective 1/1/2023 service. Effective 5/1/2023 service. Effective 1/1/2024 of service.
Pension: \$0.15 per hour after 90 days of service. Effective 5/1/2023 \$0.30 per hour after 90 days of service.
Paid Vacation: Five (5) days after 1 year of service or \$0.35 per hour Ten (10) days after 3 years of service or \$0.70 per hour
Effective 5/1/2022 Fifteen (15) days after 12 years of service or \$1.05 per hour
Five (5) days after 1 year of service or \$0.37 per hour
Ten (10) days after 3 years of service or \$0.74 per hour
Fifteen (15) days after 12 years of service or \$1.11 per hour.
Effective 5/1/2023 Five (5) days after 1 year of service or \$0.38 per hour
Ten (10) days after 3 years of service or \$0.77 per hour
Fifteen (15) days after 10 years of service or \$1.15 per hour.
Paid Sick Leave: Three (3) days or \$0.21 per hour.
Effective 5/1/2022 Three (3) days or \$0.22 per hour.
Effective 5/1/2023 Three (3) days or \$0.23 per hour.

<u>Training:</u>	\$0.075 per hour.
Effective 5/1/2022	\$0.08 per hour.
Effective 5/1/2023	\$0.085 per hour.

<u>Other Payment:</u>	\$0.05 per hour to Industry Investigation Fund.
Effective 5/1/2022	\$0.06 per hour to Industry Investigation Fund.
Effective 5/1/2023	\$0.07 per hour to Industry Investigation Fund.

Bereavement Leave: Three (3) days paid leave and covers immediate family members (mother, father, spouse, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, and registered domestic partner).

Recognized Holidays: New Year’s Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed either on Friday or Saturday as determined by the employer. Effective 2023, add Memorial Day. Effective 2024, add President’s Day.

Straight-time Hours: Eight (8) hours per day. A week’s work shall consist of five (5) consecutive days.

Overtime Rate: All work performed in excess of 8 hours per day and on the 6th day shall be paid at one and one-half times (1½) the basic hourly rate. All work performed on the 7th day shall be paid double (2x) the straight-time hourly rate. Work on a holiday shall be paid at one and one-half (1½) times the basic hourly rate in addition to the regular day’s pay.

Travel and Subsistence: Employees required to furnish own vehicle between locations shall be reimbursed at the rate of the standard IRS mileage rate.



City of Palo Alto

COLLEAGUES MEMO

DATE: November 14, 2022

TO: City Council Members

FROM: Council Member Stone, Council Member Burt

SUBJECT: RESPONSIBLE CONTRACTING STANDARDS COLLEAGUE'S MEMO
(STONE & BURT)

Issue:

On March 21, 2022, speakers at the City Council meeting raised concerns over labor conditions and wages associated with the City's third-party contract for janitorial services provided to the City of Palo Alto. On July 14, 2022, the San Jose Spotlight released an article detailing allegations of wage theft made by seven janitors that clean City facilities. left unaddressed, the City faces the potential risk for labor disruption, interruption of services, and turnover of its essential workforce. In addition, the city has a moral obligation to assure that the rights are protected of workers performing contracted services to the city.

Background and Discussion:

In 2017, the City awarded its current janitorial services contract. As part of the bidding process, City staff recommended the adoption of evaluation criteria to address issues with turnover and low-quality performance. On March 21, 2022, speakers at the City Council meeting raised concerns over labor conditions and wages associated with the contract. These concerns included failure to pay contract wages, failure to provide a clear "Paid Time Off" or vacation policy, failure to provide necessary materials to perform job duties, failure to reimburse expenses and mileage, failure to provide safety training or personal protective equipment, and failure to provide sufficient staffing.¹

On September 15, 2022, Congresswoman Anna Eshoo wrote to Mayor Burt, recognizing "the prevalence of reported exploitation in the janitorial industry, employers must be vigilant to ensure that janitors are treated fairly." Additionally, Congresswoman Eshoo encouraged the city to "take into consideration the labor practices of any janitorial contractor with which it

¹ City of Palo Alto, "Council Consent Agenda Responses," June 20, 2022.
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/council-questions/20220620cqccs.pdf>

engages.”² The City also received a letter on June 15, 2022, from State Senator Josh Becker, encouraging an investigation into allegations of wage theft, because “property service industries tend to have track records of high turnover, poor quality of service, and wage theft. These issues are particularly prevalent in the janitorial industry where exploitation, sexual harassment, and violations of wage and hour laws are commonplace.”³ Assemblymember Berman also urged Palo Alto to “adopt a higher level of standards for these subcontracted services.”⁴

On July 14, 2022, the San Jose Spotlight released an article detailing the allegations of wage theft made by seven janitors that clean City facilities. The article cited a report by the Maintenance Cooperation and Trust Fund, a janitorial industry watchdog organization, which describes the predominantly female Hispanic janitorial workforce as “especially vulnerable” dealing with “greater hardships than many other types of low-wage”⁵ workers. The article also made reference to a situation in 2019 at the City of Fremont, which faced a two day labor stoppage after janitors had a dispute over medical benefits. The article also referenced how Mountain View recently adopted stricter standards to protect their subcontracted janitorial workforce.⁶ On January 28, 2020, the City of Mountain View adopted a motion that required its Janitorial Services RFP to include that the awarded vendor be a firm whose employees are covered by a collective bargaining agreement, janitors receive wages no less than the prevailing wage as listed under the California Public Utilities Code, and that the State Labor Code’s worker retention period be extended from 60 to 90 days.⁷

Recommendation:

As a City, we have an interest in ensuring we have uninterrupted operations, high quality services, and that contracted workers performing services for the city are treated fairly. We recommend the City Council direct staff to address the issues facing the City’s subcontracted janitors by developing a policy that would heighten standards where needed within the Janitorial Services RFP for the City Council to adopt for the upcoming and future such RFPs. This policy should establish standards similar to those adopted by the City of Mountain View per below:

- “That the successful proposer be a firm whose employees are covered by a collective bargaining agreement prior to the effective date of contract and that any individual

² Congresswoman Anna Eshoo Letter, September 15, 2022. <https://drive.google.com/file/d/1U5fZAzM3u5tLZf-rZFpZZBofUJ8BynO0/view?usp=sharing>

³ Senator Josh Becker letter, June 15, 2022.

<https://drive.google.com/file/d/14ZFpJNfSYmwT3Wznba3fTJzIC82vmgDc/view?usp=sharing>

⁴ Assemblymember Marc Berman letter, July 20, 2022. <https://drive.google.com/file/d/1GeYSYxkrLungCxWg-voHK3bHEuaHtmvL/view?usp=sharing>

⁵ “Janitors: The Pandemic’s Unseen Essential Workers,” Maintenance Cooperation Trust Fund, April 2021

⁶ Ruth Silver Taube, “Palo Alto janitorial workers shed light on wage theft,” San Jose Spotlight, July 14, 2022. <https://sanjosespotlight.com/silver-taube-palo-alto-janitorial-workers-shed-light-on-wage-theft/>

⁷ City of Mountain View, “Meeting Minutes - Final,” January 28, 2020.

performing janitorial services for the City be paid no less than the prevailing wage and benefits established for janitorial services pursuant to the California Public Utilities Code and set by the Department of Industrial Relations.

- That the higher wage rates and/or benefits will be paid should the collective bargaining agreement's wages and benefits and the prevailing wage and benefits differ.
- That the State Labor Code's worker retention period be extended from 60 to 90 days."

Resource Implications:

Independent of this Colleagues Memo, staff has been evaluating options related to wage requirements for the upcoming janitorial services Request for Proposals (RFP). Given the time sensitivity of this issue in order to initiate a new contract for services, staff will present their analysis to the City Council at the same time this Colleagues Memo is considered.



City of Palo Alto City Council Staff Report

(ID # 14631)

Meeting Date: 11/14/2022

Report Type: Information Reports

Title: Sales Tax Digest Summary Calendar 2022 Q2 (April 2022-June 2022)

From: City Manager

Lead Department: Administrative Services

DISCUSSION

This report transmits information regarding the City of Palo Alto's sales tax receipts for the second quarter (April through June) of 2022. This quarter marks two full years from the initial quarter affected by the pandemic.

There are two attachments to this report that provide further level of information:

- City of Palo Alto Sales Tax Digest Summary (Attachment A)
- California Legislative Update (Attachment B)

The City's sales tax cash receipts of \$7.7 million for the second quarter (April to June 2022) is \$184,000 (2.5 percent) higher than the same quarter of the prior year (see Attachment A, Table 5). In contrast, the second quarter of 2022 compared to the second quarter of 2020 increased by \$1.8 million (31.4 percent). It is important to remember that the state offered small businesses 90-day extensions to pay their second quarter of 2020 taxes, and some companies made little or no payments in Q2 of 2020 due to this program, therefore 2020 Q1 data includes late payment anomalies related to this extension.

For the year ending in the second quarter of 2022, cash receipts (including county pools) for the City increased by 12.1 percent from the prior year. In comparison, the statewide increase was 16.2 percent while Northern California increased by 13.8 percent.

After adjustments for non-period related payments, the overall economic sales tax activity (local business excluding pools) in Palo Alto for the year ending the second quarter of 2022 increased by 20.1 percent compared to 2021, while the state and Northern California experienced a 10.0 percent increase and a 2.4 percent decrease, respectively. The City of Palo Alto experienced a much larger decline in the prior year compared to the state, which resulted in the larger increase when comparing year over year totals. In addition, a one-time audit adjustment by the State of California was made to the City's cash receipts during Q2 2022, reducing the quarter's total by \$612,000. Although additional details of the refund were not

made available, the assumption was that this was due to a change in the taxable status of a previous payment.

The second quarter of 2022 includes \$1.4 million of sales tax receipts from the county pool. The City's share of the county pool for this quarter is 5.5 percent, a marginal decrease from 5.6 percent in the second quarter of 2021. County pools are primarily from online purchases from out of state companies, remote sellers who ship merchandise to California/County destinations, and private vehicle sales that are not directly allocated to a jurisdiction. County pools are allocated to local jurisdictions based on each jurisdiction's' share of total sales taxes.

Attachments:

- **Attachment10.a:** Attachment A: Palo Alto Q2 2022 Digest Summary
- **Attachment10.b:** Attachment B: California Legislature Update

City of Palo Alto

Sales Tax Digest Summary

Collections through August 2022

Sales May through June 2022 (2022Q2)

California Overview

For the year ending in second quarter of 2022, cash receipts increased 16.2% statewide, 13.8% in Northern California. However, when adjusted for non-period related payments, the overall economic sales tax activity for the year ending in second quarter of 2022 increased by 10.0% statewide, and down 2.4% in Northern California.

City of Palo Alto

For the year ending in the second quarter of 2022, sales tax cash receipts for the city increased by 12.1% from the prior year. However, when adjusted for non-period related payments, the overall economic sales tax activity in Palo Alto for the year ending in second quarter of 2022 increased by 20.1%.

On a quarterly basis, sales tax cash receipts increased by 2.5% from Quarter 2 of 2021 to Quarter 2 of 2022. However, this increase includes late payment anomalies related to a state sales tax extension program. The period's cash receipts include tax from business activity during the period, payments for prior periods and other cash adjustments. When adjusted for non-period related payments, the overall economic quarter over quarter sales tax activity (Q2 2021 to Q2 2022) in Palo Alto increased by 17.3%.

A large, one-time audit decision of -\$612,000 negatively impacted the city's cash receipts this quarter. Without the correction, sales tax cash receipts would have increased by approximately 12.4% from Quarter 2 of 2021 to Quarter 2 of 2022. Approximately 3.8% of that adjusted 12.4% Q2 of 2022 over Q2 of 2021 increase might be attributed to inflation, based on increases in the Consumer Price Index, (CPI-U). Very little of Palo Alto's adjusted 12.4% increase might be attributed to increased economic activity, based on changes in US Real GDP. Roughly 1.7% is attributable to a decrease in payments from prior periods, due to Palo Alto taxpayers getting caught up with payments. The remaining roughly 6.9% is a combination of recovery and other factors (consumers, businesses and organizations getting back to Pre-Pandemic trends along with non-pandemic related business performance changes). Note that some of these factors are based on broad based data and thus, these growth factors should be treated as rough guidelines for economic activity changes this quarter.

Regional Overview

The first chart on page two shows adjusted economic benchmark year amounts, which means that it shows a full calendar year from the second quarter of 2021 through second quarter of 2022 compared to second quarter of 2020 through second quarter of 2021 (benchmark years are rolling annual comparisons through the current quarter). The decrease is different between the state and Palo Alto because the sales tax from businesses in Palo Alto were more impacted than those statewide.

Regional Overview Chart (Economic)

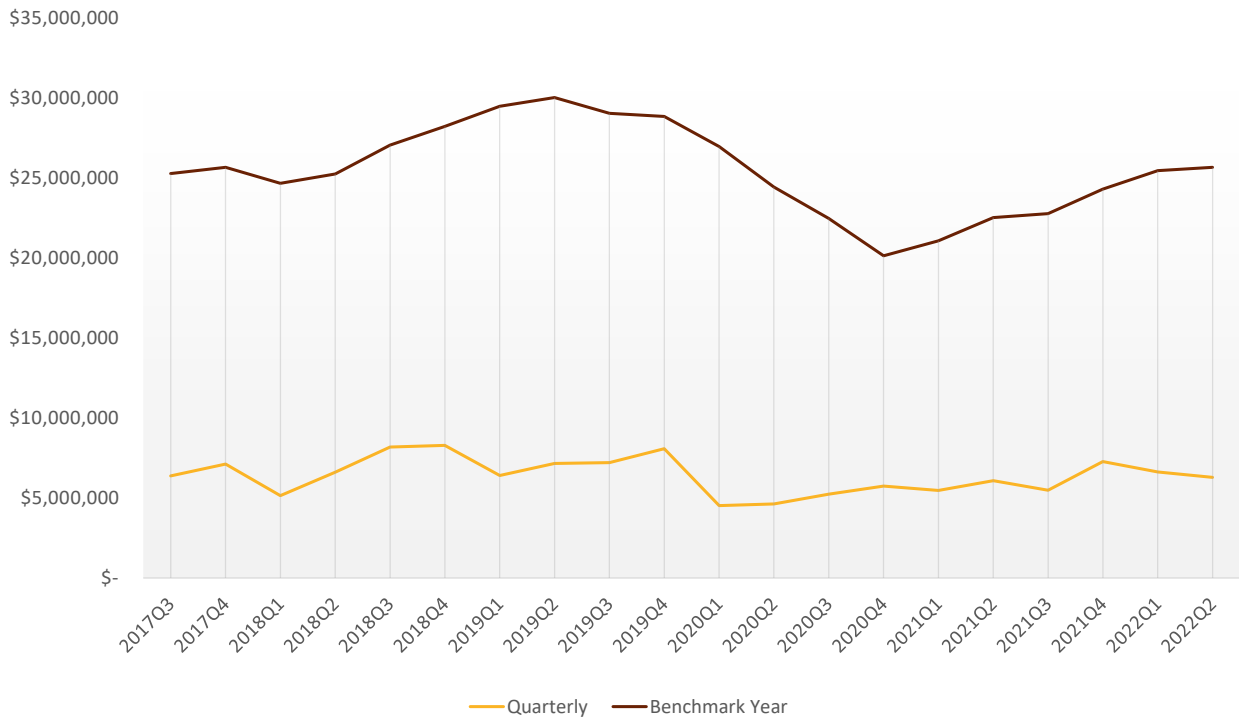
CITY OF PALO ALTO

BENCHMARK YEAR 2022Q2 COMPARED TO BENCHMARK YEAR 2021Q2

ECONOMIC CATEGORY ANALYSIS FOR YEAR ENDED 2nd Quarter 2022								
% of Total / % Change	Palo Alto	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	Inland Empire	North Coast
General Retail	28.5 / 22.3	28.1 / 11.2	24.2 / -12.5	28.4 / 19.7	37.6 / 11.8	26.4 / 15.4	33.1 / 33.0	26.5 / -25.7
Food Products	15.9 / 49.7	20.1 / 18.9	20.9 / -2.2	15.7 / 19.2	14.1 / 11.5	22.1 / 28.3	17.8 / 20.6	17.3 / -7.1
Transportation	21.6 / 13.6	24.6 / 11.4	20.7 / -21.1	27.7 / 13.1	22.9 / 11.5	25.3 / 21.6	26.2 / 27.7	29.9 / -7.2
Business to Business	30.4 / 12.2	16.2 / 3.7	22.1 / -15.6	13.8 / 11.9	14.4 / 8.6	16.1 / 12.3	10.1 / 9.0	11.2 / 3.7
Misc/Other	3.5 / 10.0	11.1 / 0.1	12.1 / -21.3	14.4 / 13.2	11.0 / 2.1	10.0 / 7.7	12.8 / 5.1	15.1 / -22.4
Total	100.0 / 20.1	100.0 / 10.0	100.0 / -14.4	100.0 / 15.7	100.0 / 10.1	100.0 / 18.2	100.0 / 22.5	100.0 / -14.3

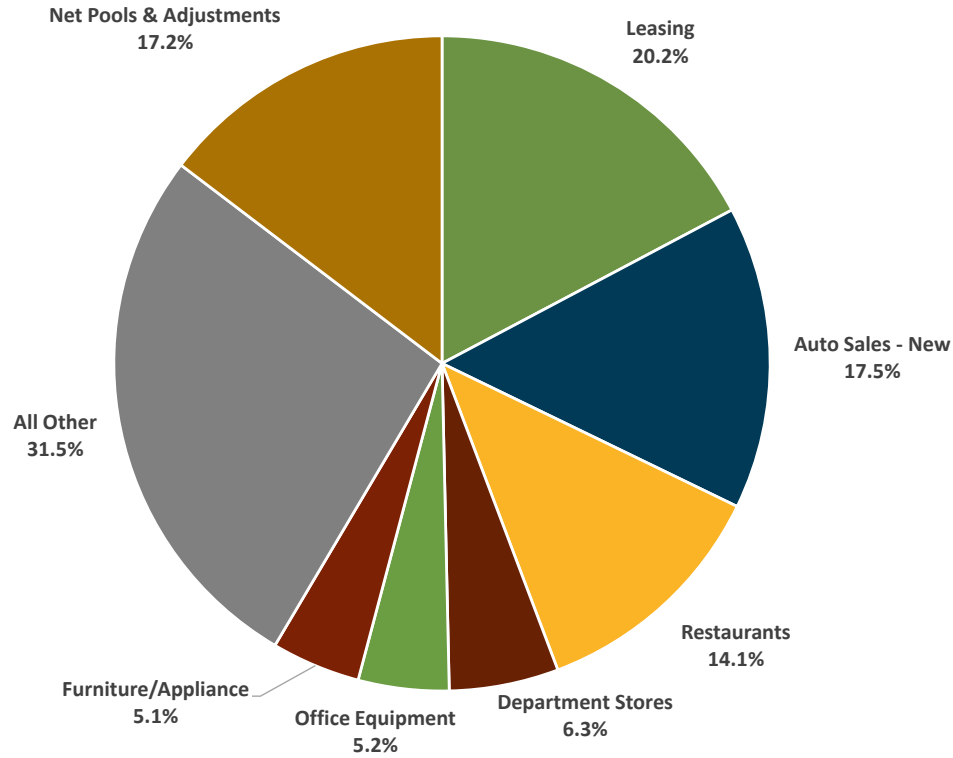
ECONOMIC SEGMENT ANALYSIS FOR YEAR ENDED 2nd Quarter 2022								
	Palo Alto	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	Inland Empire	North Coast
Largest Segment	Leasing	Restaurants	Restaurants	Auto Sales - New	Miscellaneous Retail	Restaurants	Miscellaneous Retail	Service Stations
% of Total / % Change	20.1 / 29.8	14.1 / 29.0	15 / 11.2	11.4 / 5.0	13.9 / 43.3	15.9 / 37.9	15.8 / 73.3	11.3 / 21.9
2nd Largest Segment	Auto Sales - New	Auto Sales - New	Auto Sales - New	Miscellaneous Retail	Department Stores	Auto Sales - New	Auto Sales - New	Auto Sales - New
% of Total / % Change	17.5 / 8.3	11.7 / 3.9	10.2 / -30.4	10.9 / 50.6	11.0 / 0.8	12.9 / 16.7	11.7 / 18.9	11.2 / -21.4
3rd Largest Segment	Restaurants	Miscellaneous Retail	Office Equipment	Restaurants	Restaurants	Department Stores	Restaurants	Restaurants
% of Total / % Change	14.1 / 55.8	9.0 / 27.9	7.8 / -10.9	10.6 / 27.0	9.5 / 16.8	8.1 / 13.4	11.1 / 29.3	11.0 / -1.2

Gross Historical Sales Tax Cash Receipts by Benchmark Year and Quarter (Before Adjustments)



Net Cash Receipts for Benchmark Year second Quarter 2022: \$31,535,707

*Benchmark year (BMY) is the sum of the current and 3 previous quarters (2022Q2 BMY is sum of 2022 Q2, 2022 Q1, 2021 Q4, 2021 Q3)

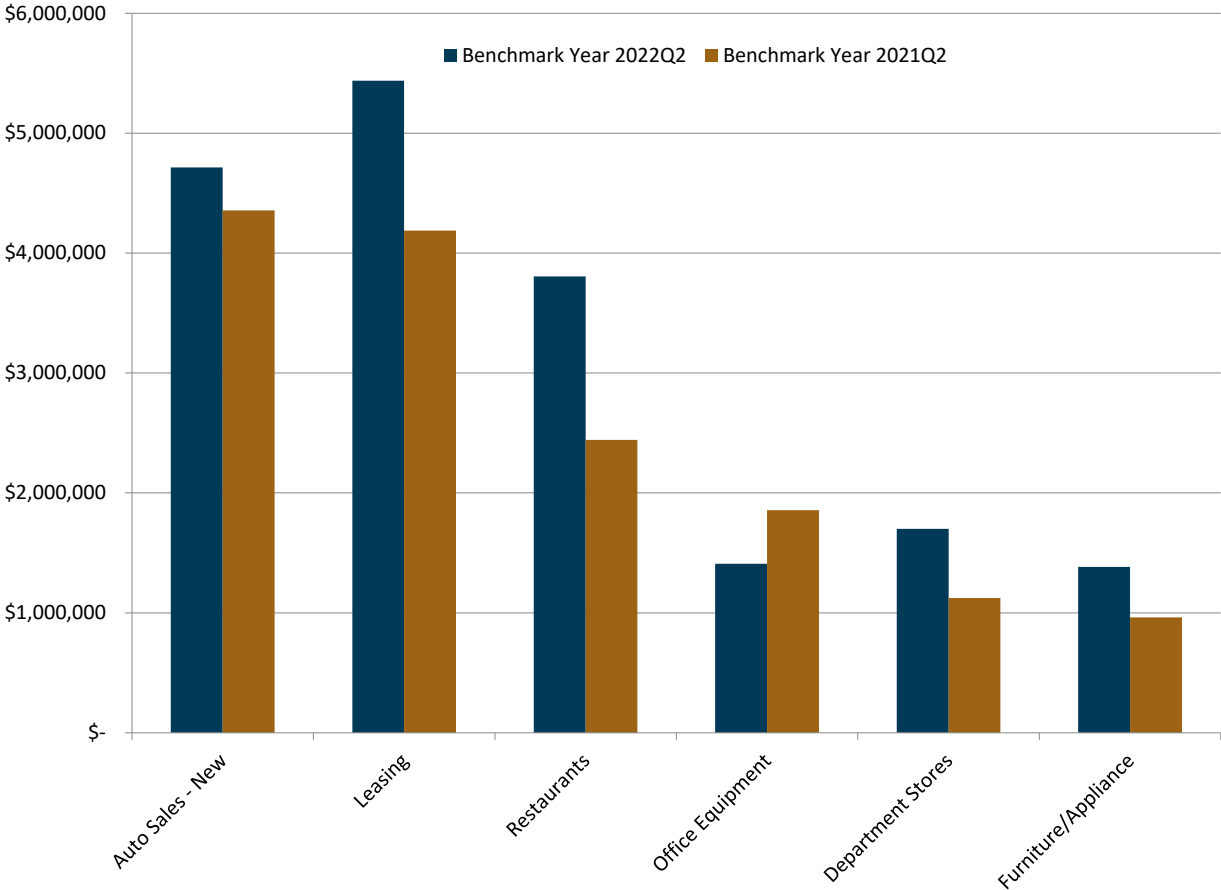


TOP 25 SALES/USE TAX CONTRIBUTORS

The following list identifies Palo Alto’s Top 25 Sales/Use Tax contributors. The list is in alphabetical order and represents the year ended second quarter of 2022. The Top 25 Sales/Use Tax contributors generate 60.8% of Palo Alto’s total sales and use tax revenue.

- | | | |
|------------------------------------|----------------------------|---------------------------|
| Anderson Honda | Macy's Department Store | Stanford Health Care |
| Apple Stores | Magnussen' Toyota | Tesla |
| Arco AM/PM Mini Marts | Neiman Marcus | Tesla Lease Trust |
| Audi Palo Alto | Nordstrom Department Store | Tiffany & Company |
| Bloomingdale's | Richemont | Union 76 Service Stations |
| Hermes | Rivian Automotive | Varian Medical Systems |
| HP Enterprise Services | Shell Service Stations | Volvo Cars Palo Alto |
| Louis Vuitton | Shreve & Co. | Wilkes Bashford |
| Lucile Packard Children's Hospital | | |

Sales Tax from Largest Non-Confidential Sales Tax Segments (Economic)



Historical Analysis by Calendar Quarter

Economic Category	%	2022Q2	2022Q1	2021Q4	2021Q3	2021Q2	2021Q1	2020Q4	2020Q3	2020Q2	2020Q1	2019Q4
Business To Business	27.4%	2,098,950	2,032,592	1,969,438	1,762,093	1,652,745	1,765,043	2,060,217	2,022,479	1,851,601	2,000,210	2,375,333
Miscellaneous/Other	22.5%	1,719,616	1,695,756	1,682,102	1,702,838	1,620,383	1,467,407	1,679,573	1,322,172	997,005	1,227,541	1,693,416
General Retail	24.7%	1,887,242	1,700,135	2,273,543	1,798,257	1,803,297	1,262,756	1,746,602	1,300,645	660,300	1,450,820	2,579,412
Food Products	16.0%	1,220,923	1,007,507	1,075,263	970,873	897,222	619,501	668,640	650,152	439,540	990,266	1,256,287
Subtotal Economic (Local Business)	90.5%	6,926,731	6,435,991	7,000,346	6,234,061	5,973,646	5,114,708	6,155,031	5,295,448	3,948,447	5,668,837	7,904,447
Net Pools & Adjustments	9.5%	726,751	1,676,665	1,995,234	539,929	1,496,795	1,675,094	1,186,152	1,227,876	1,877,921	-2,287	1,937,461
Total Cash Receipts	100.0%	7,653,481	8,112,655	8,995,580	6,773,990	7,470,441	6,789,802	7,341,183	6,523,324	5,826,368	5,666,550	9,841,908

Economic Segment	%	2022Q2	2022Q1	2021Q4	2021Q3	2021Q2	2021Q1	2020Q4	2020Q3	2020Q2	2020Q1	2019Q4
Miscellaneous/Other	52.4%	4,010,713	3,965,301	3,962,070	3,837,648	3,654,707	3,499,781	4,170,752	3,682,918	3,181,367	3,551,274	4,677,431
Restaurants	14.3%	1,090,690	891,656	941,683	857,066	785,086	527,203	552,176	545,728	342,533	867,027	1,105,719
Miscellaneous Retail	6.3%	480,713	429,200	676,701	407,467	456,685	327,729	479,041	326,777	108,953	280,493	499,697
Apparel Stores	6.5%	497,465	401,056	537,479	400,589	395,779	264,322	358,744	263,940	72,307	305,737	552,735
Department Stores	5.5%	418,507	403,604	525,295	388,703	384,763	237,473	315,453	186,316	29,842	245,948	552,822
Service Stations	3.2%	246,847	191,812	190,601	181,448	152,565	116,258	111,241	108,840	70,063	146,291	181,082
Food Markets	1.3%	102,476	91,633	106,315	87,521	89,669	71,321	89,396	81,580	77,803	102,026	118,952
Business Services	1.0%	79,320	61,729	60,203	73,620	54,393	70,621	78,228	99,348	65,579	170,042	216,011
Subtotal Economic (Local Business)	90.5%	6,926,731	6,435,991	7,000,346	6,234,061	5,973,646	5,114,708	6,155,031	5,295,448	3,948,447	5,668,837	7,904,447
Net Pools & Adjustments	9.5%	726,751	1,676,665	1,995,234	539,929	1,496,795	1,675,094	1,186,152	1,227,876	1,877,921	-2,287	1,937,461
Total Cash Receipts	100.0%	7,653,481	8,112,655	8,995,580	6,773,990	7,470,441	6,789,802	7,341,183	6,523,324	5,826,368	5,666,550	9,841,908

The chart above shows the categories and segments in quarterly economic basis amounts. The total amount is the net cash receipts, and it was obtained by adding up the categories/segments with the “Net Pools & Adjustments” amount.

Historical Analysis by Calendar BMY from 2013Q2 to 2022Q2

Economic Category	%	2022Q2	2021Q2	2020Q2	2019Q2	2018Q2	2017Q12	2016Q2	2015Q2	2014Q2	2013Q2
Business To Business	26.0%	8,195,422	7,303,276	8,174,951	7,725,974	6,752,093	5,468,567	5,127,974	4,058,599	4,729,674	4,147,225
Miscellaneous/Other	21.5%	6,791,004	6,004,857	4,907,002	8,108,852	6,523,313	5,930,853	5,764,531	5,456,484	5,234,656	9,020,410
General Retail	24.2%	7,629,764	6,184,086	7,107,947	8,392,663	8,421,428	8,469,953	8,163,580	8,075,197	8,042,334	7,801,278
Food Products	13.6%	4,301,415	2,872,869	3,929,889	4,836,194	4,790,559	4,586,985	4,619,620	4,328,363	4,034,231	3,654,839
Subtotal Economic (Local Business)	85.4%	26,917,605	22,365,088	24,119,789	29,063,683	26,487,393	24,456,359	23,675,705	21,918,644	22,040,894	24,623,752
Net Pools & Adjustments	14.6%	4,618,102	5,759,663	5,772,436	7,026,147	3,232,629	4,403,645	4,470,931	4,079,505	3,536,158	3,368,523
Total	100.0%	31,535,707	28,124,751	29,892,225	35,157,160	28,843,483	29,330,293	27,352,428	25,663,665	27,225,597	25,694,375

Economic Segment	%	2022Q2	2021Q2	2020Q2	2019Q2	2018Q2	2017Q12	2016Q2	2015Q2	2014Q2	2013Q2
Miscellaneous/Other	50.5%	15,913,445	14,714,564	15,205,260	17,622,166	15,185,514	13,120,157	12,401,431	11,060,511	11,381,249	14,449,359
Restaurants	12.1%	3,805,234	2,442,859	3,420,561	4,258,390	4,180,997	3,984,513	4,021,491	3,768,845	3,517,034	3,124,972
Miscellaneous Retail	6.4%	2,004,212	1,667,625	1,274,089	1,582,705	1,706,594	2,181,912	1,948,750	1,586,722	1,590,538	1,439,855
Apparel Stores	5.9%	1,847,598	1,289,686	1,397,669	1,993,986	1,836,191	1,691,986	1,638,172	1,656,212	1,660,610	1,622,006
Department Stores	5.4%	1,699,648	1,124,054	1,260,329	1,885,539	2,063,684	2,064,256	2,250,115	2,399,208	2,406,244	2,478,617
Service Stations	2.6%	810,672	493,602	572,874	706,172	638,892	587,986	581,619	699,331	776,593	764,774
Food Markets	1.2%	392,807	335,487	409,838	449,440	498,606	506,666	507,919	487,520	447,478	467,478
Business Services	1.4%	443,989	297,210	579,168	565,284	376,915	318,883	326,209	260,295	261,150	276,691
Subtotal Economic (Local Business)	85.4%	26,917,605	22,365,088	24,119,789	29,063,683	26,487,393	24,456,359	23,675,705	21,918,644	22,040,894	24,623,752
Net Pools & Adjustments	14.6%	4,618,102	5,759,663	5,772,436	7,026,147	3,232,629	4,403,645	4,470,931	4,079,505	3,536,158	3,368,523
Total	100.0%	31,535,707	28,124,751	29,892,225	35,157,160	28,843,483	29,330,293	27,352,428	25,663,665	27,225,597	25,694,375

The chart above shows the categories and segments in benchmark year economic basis amounts. The total amount is the net cash receipts, and it was obtained by adding up the categories/segments with the “Net Pools & Adjustments” amount. Benchmark year (BMY) is the sum of the current and 3 previous quarters (2022Q2 BMY is sum of 2022 Q2, 2022 Q1, 2021 Q4, 2021 Q3).

Quarterly Analysis by Sales Tax Category: Change from 2021Q2 to 2022Q2 (Economic)

	General Retail	Food Products	Transportation	Business to Business	Misc/Other	2022/2 Total	2021/2 Total	% Chg	Largest Gain	Second Largest Gain	Largest Decline	Second Largest Decline
Campbell	1.5%	21.4%	12.9%	36.6%	2.4%	2,703,651	2,396,183	12.8%	Restaurants	Service Stations	Florist/Nursery	Auto Sales - Used
Cupertino	0.9%	28.4%	67.8%	-13.4%	-6.8%	7,970,329	8,734,435	-8.7%	Restaurants	I.T. Infrastructure	Office Equipment	Light Industry
Gilroy	0.6%	6.9%	18.8%	8.9%	-1.4%	4,521,256	4,224,073	7.0%	Auto Sales - New	Service Stations	I.T. Infrastructure	Apparel Stores
Los Altos	4.3%	16.6%	40.3%	-27.2%	-12.7%	677,012	600,089	12.8%	Restaurants	Service Stations	Business Services	Miscellaneous Retail
Los Gatos	4.9%	21.1%	9.8%	8.9%	11.2%	1,548,706	1,385,232	11.8%	Restaurants	Service Stations	Auto Sales - New	Heavy Industry
Milpitas	11.3%	30.4%	-47.5%	22.4%	-12.9%	5,312,032	5,071,233	4.7%	Electronic Equipment	Restaurants	Auto Sales - New	Bldg.Matls-Whsle
Morgan Hill	3.2%	9.1%	11.0%	28.7%	0.6%	2,714,467	2,471,650	9.8%	Service Stations	Light Industry	Misc. Vehicle Sales	Electronic Equipment
Mountain View	-2.3%	34.7%	36.2%	32.9%	24.0%	4,824,704	3,869,815	24.7%	Restaurants	Auto Sales - New	Recreation Products	Furniture/Appliance
Palo Alto	2.8%	33.9%	-2.5%	36.7%	71.4%	7,014,229	5,978,917	17.3%	Leasing	Restaurants	Auto Sales - New	Drug Stores
San Jose	13.8%	18.6%	15.0%	15.1%	10.9%	48,697,288	42,424,531	14.8%	Service Stations	Restaurants	Heavy Industry	Bldg.Matls-Retail
Santa Clara	-5.8%	36.8%	19.3%	-11.9%	-19.4%	11,533,794	11,343,956	1.7%	Restaurants	Auto Sales - New	Miscellaneous Retail	Heavy Industry
County of Santa Clara	27.0%	19.5%	9.9%	-12.9%	10.4%	1,266,468	1,137,544	11.3%	Restaurants	Miscellaneous Retail	Electronic Equipment	Light Industry
Saratoga	20.5%	11.5%	25.3%	-58.1%	41.3%	279,818	256,318	9.2%	Restaurants	Service Stations	Business Services	Food Processing Eqp
Sunnyvale	42.2%	27.2%	11.5%	13.5%	38.8%	7,057,931	5,843,181	20.8%	Restaurants	Department Stores	Leasing	Auto Sales - Used

Unlike the chart on page one which showed a ‘benchmark year’ through second quarter of 2022, the chart above shows a comparison of one quarter only – second quarter of 2022 to second quarter of 2021. This chart is for local ‘brick and mortar’ businesses and it excludes county pools and adjustments.

City of Palo Alto Geo Areas & Citywide Chart Data: Change from 2021Q2 to 2022Q2 (Economic)

California Avenue	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
FOOD PRODUCTS	35.4%	56,631	41,831	43.8%	41.8%
GENERAL RETAIL	-22.5%	24,579	31,699	19.0%	31.7%
ALL OTHER	81.1%	47,971	26,495	37.1%	26.5%
TOTAL	29.1%	129,181	100,025	100.0%	100.0%

El Camino Real and Midtown	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
FOOD PRODUCTS	41.8%	160,814	113,413	40.6%	33.0%
GENERAL RETAIL	3.8%	38,638	37,238	9.8%	10.8%
ALL OTHER	1.8%	196,234	192,834	49.6%	56.1%
TOTAL	15.2%	395,687	343,485	100.0%	100.0%

Greater Downtown	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
FOOD PRODUCTS	36.8%	474,375	346,709	59.6%	55.6%
GENERAL RETAIL	21.4%	267,636	220,484	33.6%	35.4%
BUSINESS TO BUSINESS	16.7%	36,733	31,465	4.6%	5.0%
CONSTRUCTION	-28.8%	8,235	11,564	1.0%	1.9%
MISCELLANEOUS	-41.6%	5,518	9,451	0.7%	1.5%
TRANSPORTATION	-19.6%	2,994	3,723	0.4%	0.6%
TOTAL	27.6%	795,491	623,396	100.0%	100.0%

Stanford Shopping Center	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
GENERAL RETAIL	4.2%	1,077,335	1,034,345	75.6%	88.3%
FOOD PRODUCTS	16.0%	148,909	128,423	10.4%	11.0%
ALL OTHER	2360.1%	199,660	8,116	14.0%	0.7%
TOTAL	21.8%	1,425,904	1,170,883	100.0%	100.0%

City of Palo Alto

City of Palo Alto Geo Areas & Citywide Chart Data: Change from 2021Q2 to 2022Q2 (Economic) Cont.

Town And Country Shopping Center	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
GENERAL RETAIL	4.9%	59,541	56,769	35.6%	38.3%
ALL OTHER	17.6%	107,532	91,405	64.4%	61.7%
TOTAL	12.8%	167,073	148,174	100.0%	100.0%

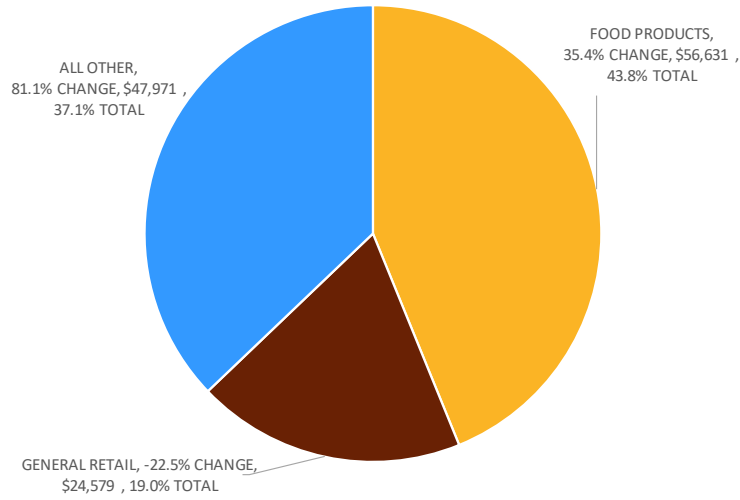
All Other Geos combined with Balance of Jurisdiction	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
BUSINESS TO BUSINESS	37.5%	1,992,152	1,449,328	34.0%	30.1%
GENERAL RETAIL	-1.6%	1,557,681	1,582,367	26.6%	32.8%
TRANSPORTATION	36.5%	1,199,347	878,633	20.5%	18.2%
FOOD PRODUCTS	33.6%	1,007,924	754,339	17.2%	15.6%
MISCELLANEOUS	-46.8%	64,810	121,755	1.1%	2.5%
CONSTRUCTION	-1.0%	34,292	34,641	0.6%	0.7%
TOTAL	21.5%	5,856,207	4,821,063	100.0%	100.0%

All Geo Area Totals Comparison 21Q4 & 20Q4	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
Balance of Jurisdiction	20.9%	2,942,871	2,435,100	50.3%	50.5%
Stanford Shopping Center	21.8%	1,425,904	1,170,883	24.3%	24.3%
Greater Downtown	27.6%	795,491	623,396	13.6%	12.9%
El Camino Real and Midtown	15.2%	395,687	343,485	6.8%	7.1%
Town And Country Shopping Center	12.8%	167,073	148,174	2.9%	3.1%
California Avenue	29.1%	129,181	100,025	2.2%	2.1%
TOTAL	21.5%	5,856,207	4,821,063	100.0%	100.0%

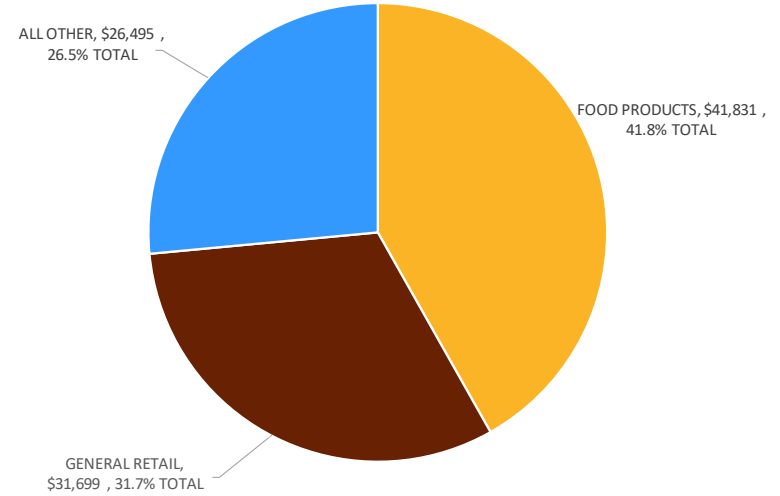
Palo Alto citywide QE 22Q2 & 21Q2	% CHANGE QoQ	2022Q2 QE	2021Q2 QE	22Q2 % OF TOTAL	21Q2 % OF TOTAL
BUSINESS TO BUSINESS	36.7%	2,170,873	1,588,571	30.9%	26.6%
GENERAL RETAIL	2.3%	1,887,242	1,844,249	26.9%	30.8%
TRANSPORTATION	-2.5%	1,407,563	1,443,160	20.1%	24.1%
FOOD PRODUCTS	33.9%	1,220,923	911,813	17.4%	15.3%
MISCELLANEOUS	86.6%	284,085	152,258	4.1%	2.5%
CONSTRUCTION	12.0%	43,543	38,866	0.6%	0.7%
TOTAL	17.3%	7,014,229	5,978,917	100.0%	100.0%

City of Palo Alto Geo Area Pie Charts

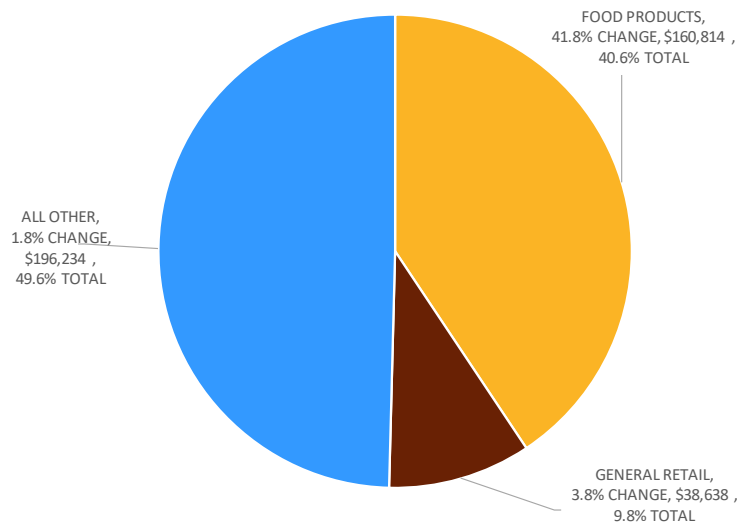
California Avenue 2022Q2 SALES TAX AMOUNTS



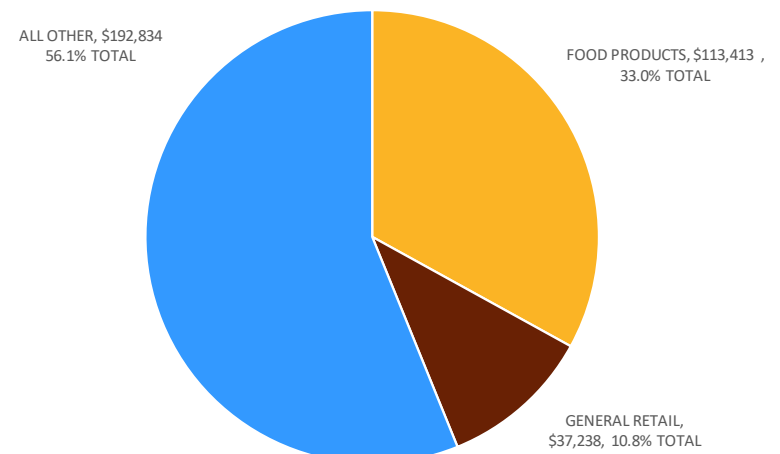
California Avenue 2021Q2 SALES TAX AMOUNTS



El Camino Real and Midtown 2022Q2 SALES TAX AMOUNTS

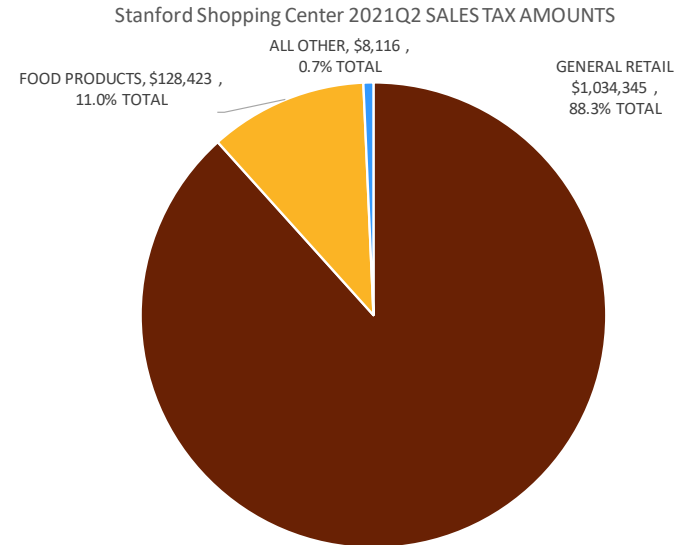
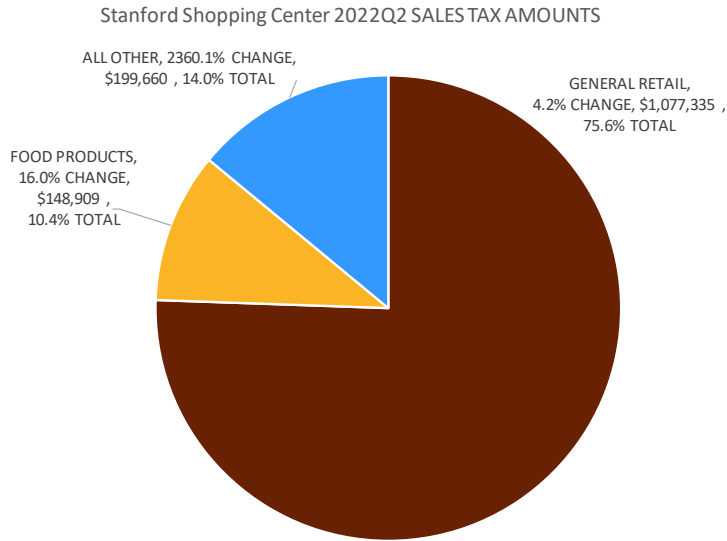
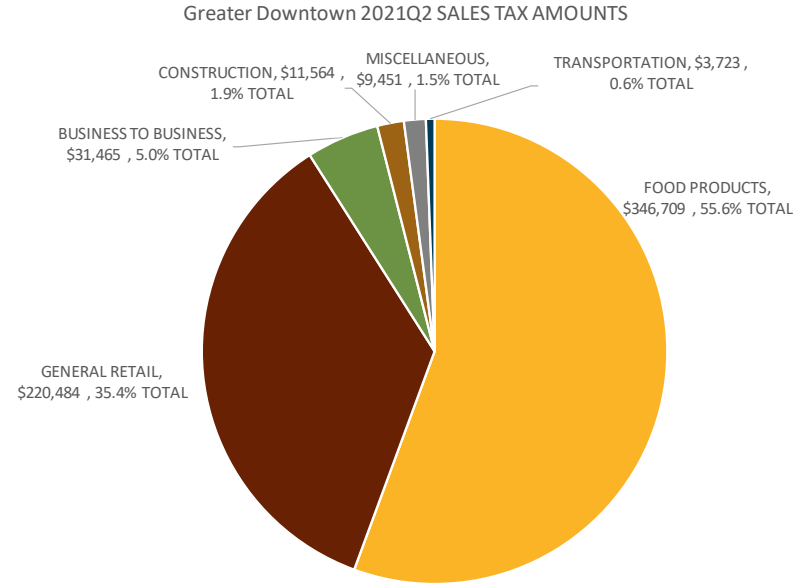
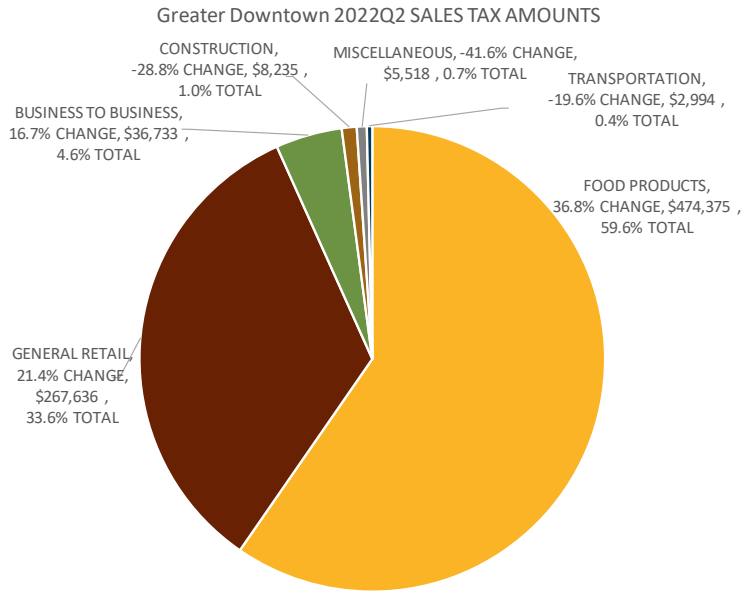


El Camino Real and Midtown 2021Q2 SALES TAX AMOUNTS



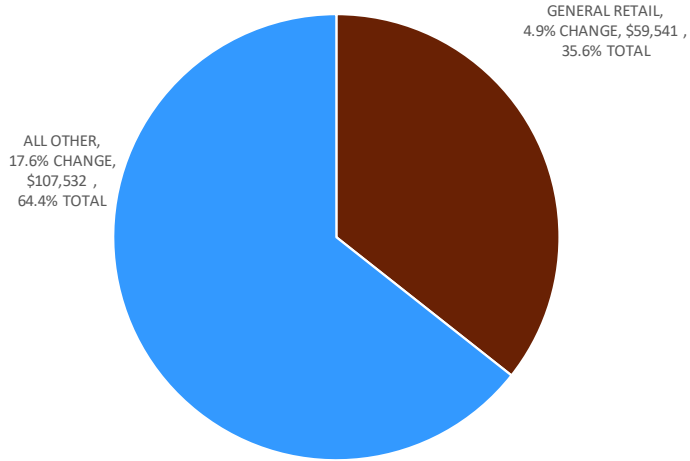
City of Palo Alto

City of Palo Alto Geo Areas Pie Charts

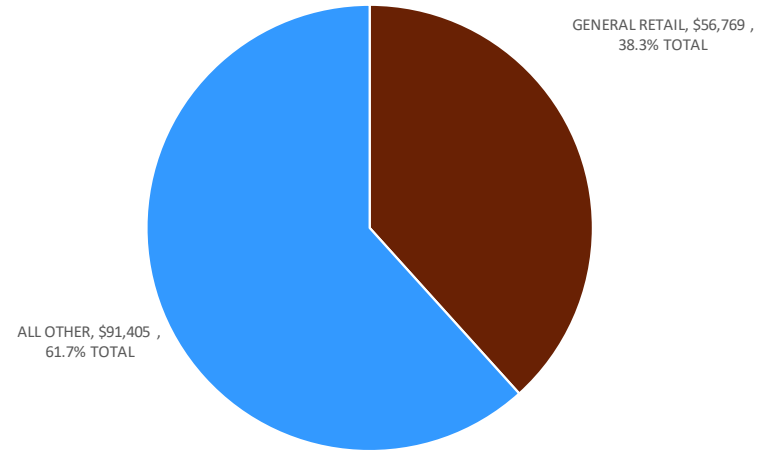


City of Palo Alto Geo Area Pie Charts

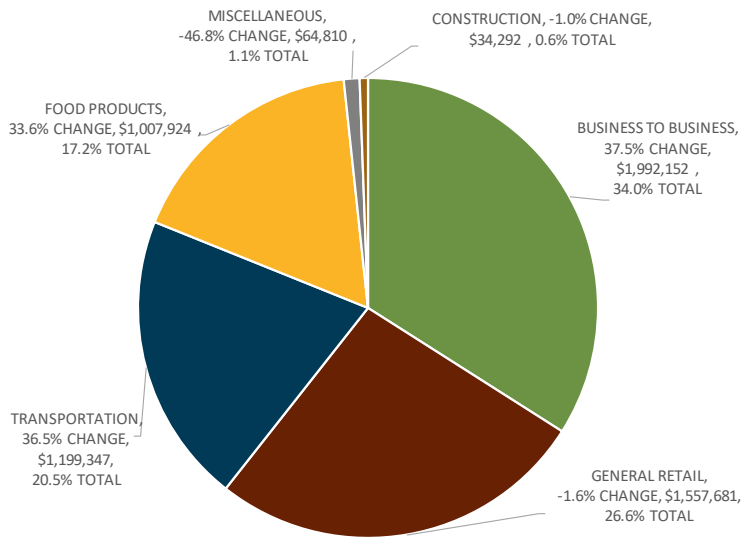
Town And Country Shopping Center 2022Q2 SALES TAX AMOUNTS



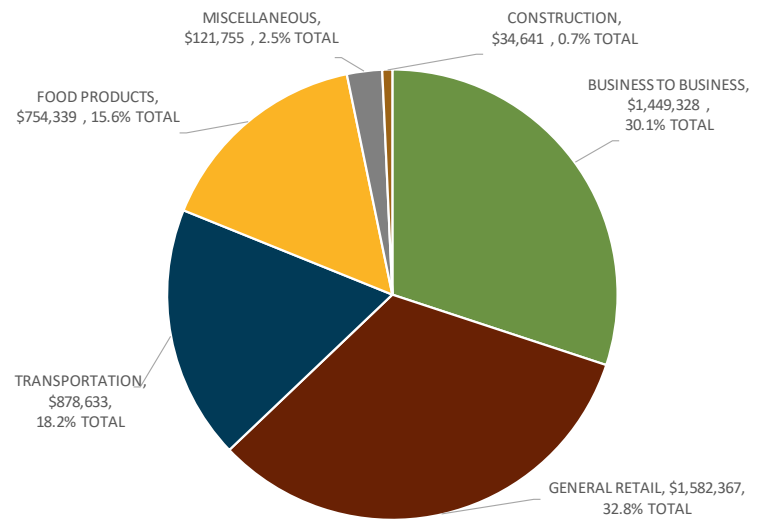
Town And Country Shopping Center 2021Q2 SALES TAX AMOUNTS



All Other Geos combined with Balance of Jurisdiction 2022Q2 SALES TAX AMOUNTS

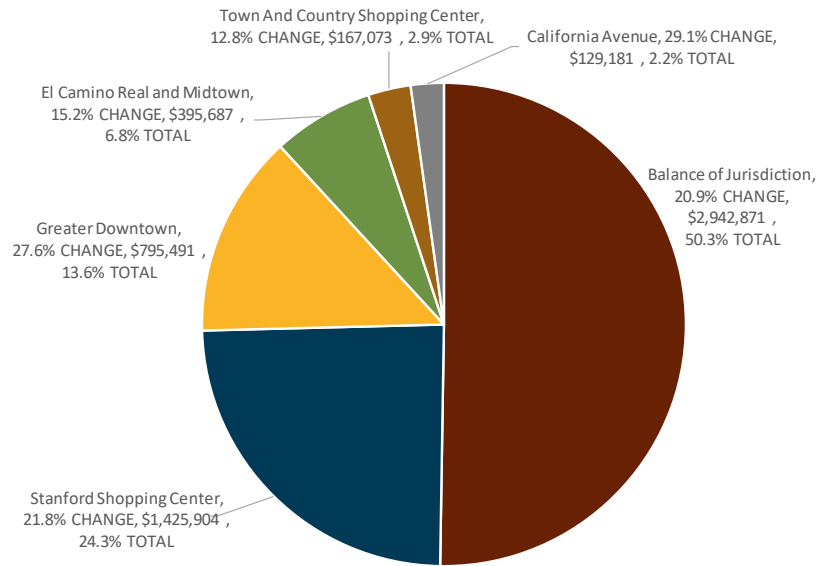


All Other Geos combined with Balance of Jurisdiction 2021Q2 SALES TAX AMOUNTS

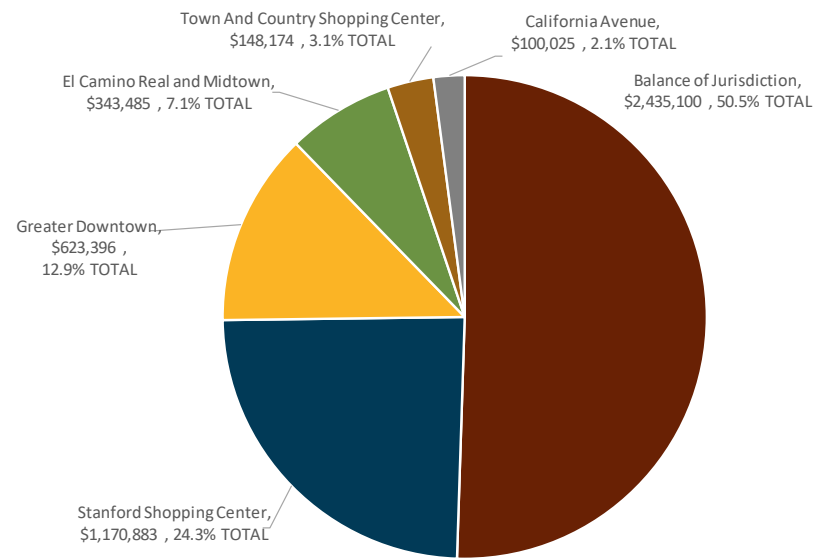


City of Palo Alto Geo Area & Citywide Pie Charts

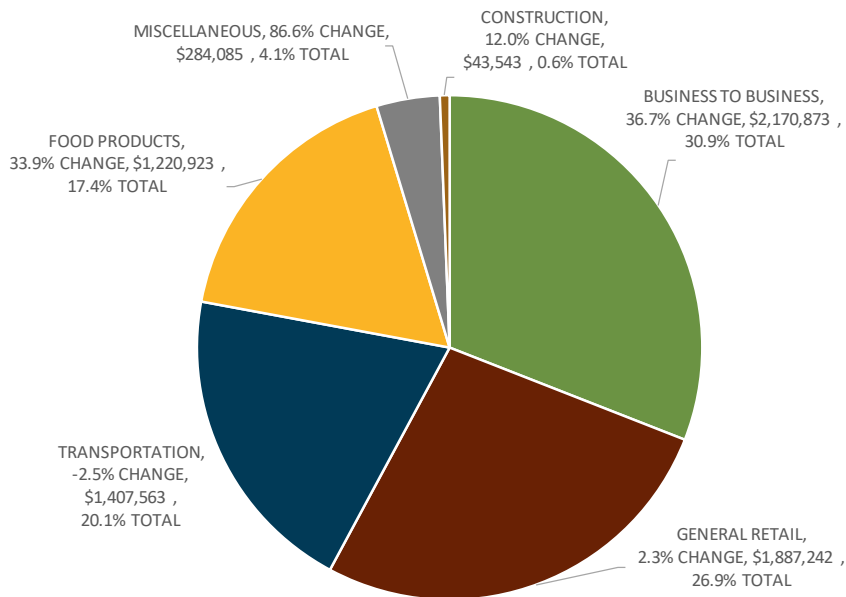
All Geo Area Totals 2022Q2 SALES TAX AMOUNTS



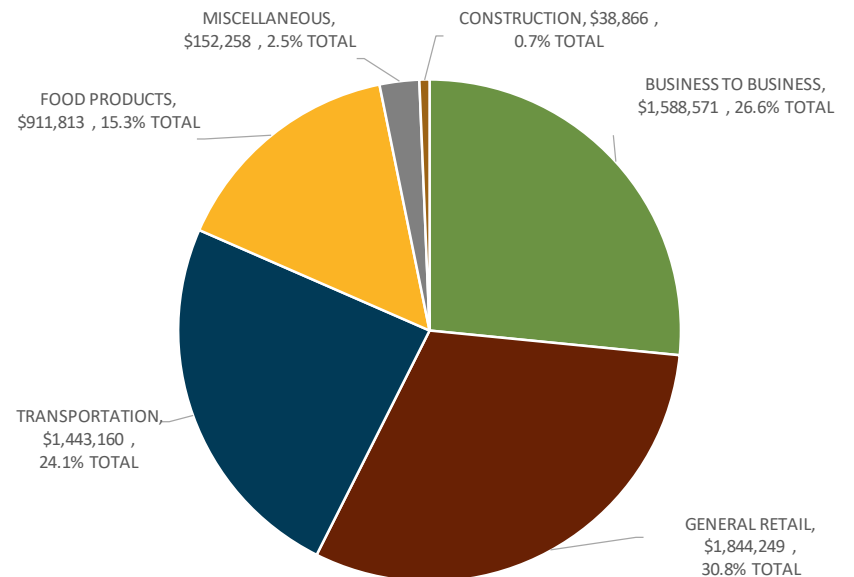
All Geo Area Totals 2021Q2 SALES TAX AMOUNTS



Palo Alto citywide 2022Q2 SALES TAX AMOUNTS



Palo Alto citywide 2021Q2 SALES TAX AMOUNTS



California Legislative Update October 3, 2022

This edition of our policy update provides information on a variety of bills by subject area and their current status after Governor Gavin Newsom acted on all of the measures sent to him by the legislature this year.

In total, Governor Newsom acted on 1,166 measures in 2022, signing 997 and vetoing 169 – a 14.5% veto rate, which is about average in recent years. Prior to Governor Brown’s latest term, veto rates were a bit higher:

- During Governor Brown’s (second) 8 years in office, 870-1,200 bills were sent to him annually, and he vetoed 10%-15% of them.
- During Governor Schwarzenegger’s 7 years in office, 890-1,265 bills were sent to him annually, and he vetoed 22%-35% of them.
- During Governor Davis’ 5 years in office, 965-1,455 bills were sent to him annually, and he vetoed 6%-25% of them.
- During Governor Wilson’s 8 years in office, 1,075-1,700 bills were sent to him annually, and he vetoed 8%-24% of them.
- During Deukmejian’s 8 years in office, 1,455-2,140 bills were sent to him annually, and he vetoed 9.5%-20% of them.

Many of the governor’s veto messages this year cited waning revenues, and indeed, for the first two months of the 2022-23 fiscal year, revenues are running \$2 billion lower than estimated in the Budget Act. The Legislative Analyst’s Office recently announced that California is highly unlikely to meet anticipated revenues for the fiscal year, and instead projects a \$5 billion revenue shortfall.

After wrapping up action on legislation, the administration has turned its attention to preparing for the 2023-24 January budget proposal, which is likely to be very focused on revenue concerns. Last week, Governor Newsom proposed requiring companies engaged in the extraction, production, and



refining of oil to pay a higher tax rate on their earnings above a set amount each year. Revenue from windfall profits would be returned to taxpayers in the form of rebates and refunds. Legislative leadership responded to the governor’s announcement with openness, and will likely consider the proposal as part of the budget process beginning in January.

We hope that this update is helpful. Please reach out to us with any questions.

Government Relations Contact

Fran.Mancia@avenuinsights.com / 559.288.7296

Administration

AB 2647 (Levine): Local Government: Open Meetings. Allows writings that have been distributed to members of a legislative body of a local agency less than 72 hours before an open, regular meeting to be exempt from specified requirements of the Ralph M. Brown Act, if the agency meets certain requirements.

Status: Chapter 971, Statutes of 2022

Cal Cities Position: Requested Signature

SB 379 (Wiener): Residential solar energy programs: permitting. This bill requires most cities and counties to adopt an automated, online permitting system for solar energy systems and energy storage.

Status: Chapter 356, Statutes of 2022

Cal Cities Position: Watch

SB 1338 (Umberg): Community Assistance, Recovery, and Empowerment (CARE) Court Program. Establishes the CARE Act, which must be implemented by Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne counties by October 1, 2023, and the remaining

counties by December 1, 2024. The CARE Act would allow civil courts to order those suffering from certain mental illnesses into treatment programs at the community level, similar to today's Assisted Outpatient Treatment under the Lanterman Petris Short Act, with more community-based supports and services, and more court oversight.

Status: Chapter 319, Statutes of 2022

Cal Cities Position: Requested Signature

Cannabis

AB 195 (Committee on Budget): Cannabis. This budget trailer bill reduces state taxes on cannabis, simplifies the tax collection framework, and reduces barriers to entry into the legal cannabis marketplace. Several provisions are also included to boost enforcement, including efforts to address unlicensed cannabis facilities and illegal water diversion, as well as ensure greater tax compliance.

Status: Chapter 56, Statutes of 2022

Cal Cities Position: Watch

AB 2188 (Quirk): Discrimination in employment: use of cannabis. Provides, with certain exceptions, that it is unlawful for an employer to discriminate against a person in hiring, termination, or terms and conditions of employment based on a drug screening test finding the presence of nonpsychoactive cannabis metabolites in their system or for off the job use of cannabis.

Status: Chapter 392, Statutes of 2022

Cal Cities Position: Watch

SB 1186 (Wiener): Medicinal Cannabis Patients' Right of Access Act. Prohibits local governments, beginning January 1, 2024, from banning, or effectively banning, the delivery of medicinal cannabis to patients or primary caregivers within their jurisdictions, enforceable through an action for writ of mandate.

Status: Chapter 395, Statutes of 2022

Cal Cities Position: Requested Veto

SB 1326 (Caballero): Cannabis: interstate agreements. Allows the state to enter into an interstate cannabis agreement to allow cannabis or cannabis products to be transported across state lines.

Status: Chapter 396, Statutes of 2022

Cal Cities Position: Requested Signature

Finance

SB 852 (Dodd): Climate resilience districts: formation: funding mechanisms. This bill allows cities and counties to create climate resilience districts and provides these new districts various financing powers.

Status: Chapter 266, Statutes of 2022

Cal Cities Position: Watch

Franchises

AB 676 (Holden): Franchises. This bill requires a franchisor to provide specified information to a prospective franchisee seeking to buy an ownership interest in an existing franchise business and makes additional revisions to laws that apply to franchise investments and franchisor-franchisee relationships.

Status: Chapter 728, Statutes of 2022

Cal Cities Position: Watch

Housing/Land Use

AB 2097 (Friedman): Residential and commercial development: parking requirements. Prohibits public agencies from imposing minimum automobile parking requirements on specified residential, commercial, and other developments located within one-half mile of public transit.

Status: Chapter 459, Statutes of 2022

Cal Cities Position: Requested Veto

AB 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022. Creates a ministerial, streamlined approval process for 100% affordable

housing projects in commercial zones and for mixed-income housing projects along commercial corridors, as specified. The bill would also impose specified labor standards on those projects, including requirements that contractors pay prevailing wages, participate in apprenticeship programs, and make specified healthcare expenditures.

Status: Chapter 647, Statutes of 2022

Cal Cities Position: Requested Veto

AB 2234 (Rivas, Robert): Planning and zoning: housing: postentitlement phase permits. This bill requires a local agency to post information related to postentitlement phase permits for housing development projects, process those permits in a specified time period depending on the size of the housing development, and establish a digital permitting system if the local agency meets a specific population threshold.

Status: Chapter 651, Statutes of 2022

Cal Cities Position: Requested Veto

SB 6 (Caballero): Middle Class Housing Act of 2022. Enacts, until January 1, 2033, the Middle-Class Housing Act of 2022, which establishes housing as an allowable use on any parcel zoned for office or retail uses.

Status: Chapter 659, Statutes of 2022

Cal Cities Position: Requested Veto

SB 897 (Wieckowski): Accessory Dwelling Units. Makes numerous changes to the laws governing accessory dwelling units and junior accessory dwelling units.

Status: Chapter 664, Statutes of 2022

Cal Cities Position: Requested Veto

SB 1373 (Kamlager): Surplus land disposal. This bill extends by two years (until December 31, 2024) the deadlines in the Surplus Land Act to complete disposition of a property subject to an exclusive negotiating agreement for a charter city with a population of over two million people.

Status: Chapter 724, Statutes of 2022

Cal Cities Position: Watch

Privacy and Security

AB 1711 (Seyarto): Privacy: breach. This bill requires agencies to report data breaches on their website when a person or business operating a system on behalf of an agency is required to disclose a breach of that system.

Status: Vetoed

Veto Message: This bill requires a public agency to post a notice on its website when a person or business operating a system on behalf of that agency is required to issue a security breach notification for that system.

Current law requires both private businesses and public agencies to immediately notify individuals impacted by a data breach of the systems they operate, allowing appropriate action to mitigate or prevent financial losses due to fraudulent activity.

The stated intent of this bill is to provide additional transparency with respect to data breach notifications provided in the event a contractor operating a system on behalf of an agency is breached. Requiring public agencies to display every instance of a security breach on its website will highlight vulnerable information technology systems shortly after a breach occurs. This could substantially increase the risk of additional attacks on these systems.

The author's objective could be more effectively achieved through other means, such as specifying breach notifications to individuals must come from the agency, or requiring notices from a contractor to conspicuously include the agency on behalf of which they are operating.

Cal Cities Position: Watch

Property Tax

AB 1206 (Bennett): Property taxation: affordable housing: welfare exemption. Requires, for the 2022-23 fiscal year (FY) through the 2027-28 FY that

a residential unit continue to be treated as occupied by a lower income household, if the owner is a community land trust whose land is leased to low-income households, subject to a contract that complies with specified requirements.

Status: Chapter 636, Statutes of 2022

Cal Cities Position: Watch

AB 1707 (Boerner Horvath): Property tax postponement: Senior Citizens and Disabled Citizens Property Tax Postponement Fund.

Requires that money be transferred from the General Fund to the Senior Citizens and Disabled Citizens Property Tax Postponement Fund when the Fund balance is less than \$15 million.

Status: Vetoed

Veto Message: This bill requires annual transfers from the General Fund to the Senior Citizens and Disabled Citizen Property Postponement (PTP) Fund to ensure the balance each June 30 is \$15 million.

The Property Tax Postponement Program allows income-eligible homeowners who are seniors, blind, or disabled to defer their property taxes, secured by a lien against the property that is later repaid when the property is sold or refinanced.

By design, the PTP Fund is structured to be self-sustaining. Although recent changes in law have expanded eligibility for the program, the State Controller's Office does not project a shortfall until the 2025-26 fiscal year.

My administration supports this program and its role in helping our most vulnerable homeowners remain in their homes. Therefore, I am directing the Department of Finance to conduct an analysis of the Program to identify any fiscal stability concerns and propose appropriate solutions for consideration.

I am returning AB 1707 without my signature until additional information on the viability of the program has been determined.

Cal Cities Position: Watch

AB 1933 (Friedman): Property taxation: welfare exemption: nonprofit corporation: low- and moderate-income families. Expands the property tax welfare exemption to eligible nonprofit corporations that build and rehabilitate affordable housing units for sale, subject to certain limitations, to low-income families, as defined.

Status: Chapter 643, Statutes of 2022

Cal Cities Position: Watch

AB 2651 (Petrie-Norris): Property taxes: welfare exemption: community land trust. Extends the sunset date for the property tax welfare exemption for community land trusts from January 1, 2025, to January 1, 2027.

Status: Chapter 656, Statutes of 2022

Cal Cities Position: Watch

Sales and Use Taxes

AB 1951 (Grayson): Sales and use tax: exemptions: manufacturing. This bill expands, from January 1, 2023, to January 1, 2028, the existing partial sales and use tax exemption for manufacturing and research and development by making the expenditure a full exemption and removing the \$200 million cap on qualifying purchases per individual purchaser.

Status: Vetoed

Veto Message: This bill replaces the current partial manufacturing sales tax exemption with a full exemption until January 1, 2028.

This change would result in substantial revenue loss to local governments, which impacts essential health, safety, welfare, and transportation services. Assuming there are no changes in taxpayer behavior, local agencies are estimated to lose over half a billion dollars each year.

As a strong supporter of California's business climate and manufacturing industry, I agree with the intent of this bill to invest in California's economy, incentivize innovation, and spur a manufacturing marketplace

that is competitive nation-wide. However, we cannot ask our local governments to bear this loss in revenue.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant cost pressures, such as this measure, should be considered as part of the annual budget process.

For these reasons, I cannot sign this bill. I look forward to working with the Legislature and stakeholders to propose something on this topic next year.

Cal Cities Position: Requested Veto

AB 2622 (Mullin): Sales and Use Tax: Zero Emission Bus Exemption. Extends the partial Sales and Use Tax Law exemption for specified zero-emission technology transit buses until January 1, 2026.

Status: Chapter 353, Statutes of 2022

Cal Cities Position: Requested Signature

AB 2887 (Garcia, Eduardo): Public resources: Sales and Use Tax Law: exclusions. Increases, from \$100 million to \$150 million, the limit on annual sales and use tax exclusions under the California Alternative Energy and Advanced Transportation Financing Authority Act.

Status: Chapter 248, Statutes of 2022

Cal Cities Position: Requested Veto

SB 1041 (Atkins): Sales and use taxes: general exemptions. This bill removes the sunset date for the sales and use tax exemption for goods sold by thrift stores that are both located on a military installation and operated by a "military welfare society."

Status: Chapter 225, Statutes of 2022

Cal Cities Position: Watch

SB 1312 (Ochoa Bogh): Marketplace facilitators: passenger vehicle rental companies. This bill amends the Marketplace Facilitator Act to provide that an operator of a marketplace is not a marketplace facilitator with regard to any portion of its marketplace that provides car rental services.

Status: Chapter 228, Statutes of 2022

Cal Cities Position: Watch



City of Palo Alto City Council Staff Report

(ID # 14773)

Report Type: Information Reports

Meeting Date: 11/14/2022

Title: Community Development Block Grant (CDBG) FY2022 Year-end Report - Consolidated Annual Performance and Evaluation Report (CAPER)

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

This is an informational report and no action is required.

Executive Summary:

The City is required to report annually to the U.S. Department of Housing and Urban Development (HUD), accomplishments for the Community Development Block Grant (CDBG) program. This report, the Consolidated Annual Performance and Evaluation Report (CAPER), summarizes the City's CDBG accomplishments and expenditures for the Fiscal Year (FY) 2021-22 CDBG funding cycle. The City funded a total of eight projects, summarized below, in FY2021-22.

The CAPER (Attachment A) was submitted to HUD by the September 28, 2022 deadline.

Background:

The City of Palo Alto receives funds annually from HUD as an entitlement city under the CDBG program. As a recipient of CDBG funds, the City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) at the end of the fiscal year. The CAPER describes the City's progress implementing the activities identified in the Annual Action Plan¹ and the goals and objectives of the Consolidated Plan².

¹ Annual Action Plan: An annual report listing the activities the City intends to undertake with CDBG funds to address the needs and implement the strategies identified in the Consolidated Plan.

² Consolidated Plan (Con Plan): A five-year strategic plan that addresses the housing and non-housing community development needs of lower income persons and establishes annual goals and objectives to meet the identified needs. <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=68967.94&BlobID=76579>

Discussion:

During FY2021-22, the City's CDBG subrecipients continued to provide vital services to extremely low, very low, low, and moderate-income households while addressing the priorities and needs of the community and the City's funding priorities; including strategies to address COVID-19 related impacts, using funds from the CDBG CARES Act (CDBG-CV).

The City achieved several goals as outlined in the 2021 Annual Action Plan (AAP) through CDBG and CDBG-CV funding. A total of \$746,715 was available for funding projects and programs during the 2021 program year. The City received \$536,756 from the federal CDBG program, approximately \$136,049 in program income, and \$73,910 in reallocated funds from previous years.

Through the combination of CDBG and CDBG-CV funds, in total, 935 persons were assisted in this program year. Of the 935 persons, 383 were extremely low-income, 421 were low income and 131 were moderate income. Approximately 40% of all persons were assisted through the COVID-19 related activities. The CAPER, Attachment A, provides a detailed description of the programs and project accomplishments. The major accomplishments include the following:

1. **Catholic Charities**, through the Long-Term Care Ombudsman Program, assisted 262 mostly low- or moderate- income elderly residents at the Palo Alto long-term care facilities that mainly serve low-income residents. Additionally, the Long-Term Care Ombudsman Program resolved 47 complaints made by, or on behalf of, low-income elderly residents of the facilities. [Goal: Assist 50 individuals]
2. **Alta Housing** had on-site counseling services available to the residents of the 131 units of the Single-Room Occupancy (SRO) Resident Support Program at Alma Place (25 units) and Barker Hotel (106 units). Services were provided to 151 residents. [Goal: Assist 131 individuals]
3. **LifeMoves**, at the Opportunity Services Center, provided case management services including assistance with housing and job searches, referrals, and mentoring to 56 homeless and/or very low-income Palo Alto residents. [Goal: Assist 30 individuals]
4. **Project Sentinel** (Fair Housing Services) assisted 17 individuals in investigating their fair housing complaints; 21 residents received individual consultation relating to specific fair housing questions. [Goal: Assist 15 individuals]
5. **Silicon Valley Independent Living Center (SVILC)** (Housing and Emergency Services) assisted 26 adults with disabilities in developing an independent living plan for housing

that resulted in improved accessibility to decent affordable housing. [Goal: Assist 24 individuals]

6. **Rebuilding Together Peninsula** (Safe at Home) assisted six households with home rehabilitation. [Goal: Assist five households]
7. **Downtown Streets Team** (Workforce Development) connected employers with seven individuals who were meaningfully employed. [Goal: Assist 14 individuals]

The Workforce Development program was eligible for CDBG funding for July and August 2021 only, due to a change in the organization's Community Based Development Organization (CBDO) status. The City agreed to assist the program with reimbursements for the remaining CDBG-related costs for FY2022 and FY 2023. At year-end, the program assisted 15 individuals with job placement.

8. **Ravenswood Family Health Network** requested a time extension to complete the project for a new ADA Accessible Clinic Entrance and Exit at the Palo Alto Clinic. The new completion timeline is June 2023.

Other CDBG Program Updates

The Ravenswood Family Health Network Mobile Clinic was put into service in September 2021 and has been used to provide vaccination and booster COVID-19 vaccines. The Mobile Clinic has assisted 403 individuals. This was a CV funded project in FY2021.

Timeline:

As required by HUD, the FY2021-22 CAPER was submitted by the September 28th deadline.

Stakeholder Engagement:

An advertisement was published in The Daily Post on August 24, 2022 announcing the availability of the draft CAPER for public review and comment. The draft CAPER was posted on the City's CDBG webpage³ (<https://www.cityofpaloalto.org/cdbg>) from August 24, 2022 through September 7, 2022. On September 8, 2022 the Human Relations Commission (HRC) conducted a public hearing to review the CAPER and allow for public comment.

There were two speakers that provided the following comments at the meeting:

³ The City's CDBG webpage <https://www.cityofpaloalto.org/cdbg>

- Alexis Crews-Holloway, a Project Manager with Downtown Streets Team, stated Downtown Streets exceeded their goal by 107% of the contract goal by serving 15 individuals for the entire fiscal year and believed the CAPER did not reflect this.⁴
- Carol Conn, the Executive Director at Project Sentinel, wanted to reiterate that they have a robust landlord/tenant mediation program that assists in keeping people housed and living in harmony; this a very big component of what Project Sentinel does for the City of Palo Alto.

Environmental Review:

Council action on this item is not a considered a project as defined by CEQA because the Consolidated Annual Performance and Evaluation Report is for informational purposes only with no action required by the Council.

Attachments:

Attachment11.a: Attachment A: CDBG CAPER 2021-2022 (PDF)

⁴ The accomplishments reported in the CAPER reflect the two months that this program was eligible for CDBG funding.



CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

PROGRAM YEAR: JULY 1, 2021 THROUGH JUNE 30, 2022

PUBLIC COMMENT PERIOD: AUGUST 24, 2022 THROUGH SEPTEMBER 7, 2022

ADMINISTERED BY: PLANNING AND DEVELOPMENT SERVICES

DRAFT - SEPTEMBER 2022

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Below, as shown in Table 1 - Accomplishments – Program Year & Strategic Plan to Date, is a description of the progress the City of Palo Alto has made in achieving the goals outlined in its strategic plan and annual action plan. In Program Year 2021-22, the City achieved the majority of its annual goals and is on track to meet most of the five-year goals outlined in the Consolidated Plan.

1. **Catholic Charities**, through the Long-Term Care Ombudsman Program, assisted 262 mostly low- or moderate- income elderly residents at the Palo Alto long-term care facilities that mainly serve low-income residents.
2. **Alta Housing** had on-site counseling services available to the residents of the 131 units of the Single-Room Occupancy (SRO) Resident Support Program at Alma Place (25 units) and Barker Hotel (106 units). Services were provided to 151 residents.
3. **LifeMoves**, at the Opportunity Services Center, provided case management services including assistance with housing and job searches, referrals, and mentoring to 56 homeless and/or very low-income Palo Alto residents.
4. **Project Sentinel** (Fair Housing Services) assisted 17 individuals in investigating their fair housing complaints; 21 residents received individual consultation relating to specific fair housing questions.]
5. **Silicon Valley Independent Living Center (SVILC)** (Housing and Emergency Services) assisted 26 adults with disabilities in developing an independent living plan for housing that resulted in improved accessibility to decent affordable housing.
6. **Rebuilding Together Peninsula** (Safe at Home) assisted six households with home rehabilitation.
7. **Downtown Streets Team** (Workforce Development) connected employers with seven individuals who were meaningfully employed, expending \$27,408 in first quarter. The Workforce Development program was eligible for CDBG funding for July and August 2021 only, due to a

change in the organization’s Community Based Development Organization (CBDO) status. The City has agreed to assist the program with reimbursements for the remaining CDBG-related costs for FY2022; the program assisted eight more individuals with job placement, for a total of 15.

8. **Ravenswood Family Health Network** requested a time extension to complete the project for a new ADA Accessible Clinic Entrance and Exit at the Palo Alto Clinic. The new completion timeline is June 2023.

Program Year 2020-21 Annual Action Plan Substantial Amendment

The City was informed by the CDBG subrecipient LifeMoves that they no longer needed the remaining funds allocated to them in Program Year 2020-21. These funds supported a Rental Assistance Program and specifically came from CDBG-Coronavirus (CDBG-CV) grants. The remaining funds totaled \$194,501. Staff investigated other funding opportunities for eligible CDBG-CV activities for the reallocation of the \$194,501 and plan to fund \$160,300 for Move Mountain View to support a safe parking program and \$34,201 for LifeMoves to administer a COVID-19 testing program.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee’s program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent 11.a
Affordable Housing	Affordable Housing	CDBG: \$0	Rental units rehabilitated	Household Housing Unit	107	0	0.00%	0	0	0
Affordable Housing	Affordable Housing	CDBG: \$65,340	Homeowner Housing Rehabilitated	Household Housing Unit	40	6	15.00%	6	6	100

Economic Development	Non-Housing Community Development	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0			0		
Economic Development	Non-Housing Community Development	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	0		0	0	
Economic Development	Non-Housing Community Development	CDBG: \$160,477	Jobs created/retained	Jobs	150	28	18.00%	15	7	46.67%
Fair Housing	Non-Housing Community Development	CDBG: \$33,698	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	75	41	22.67%	16	24	105%
Homelessness	Homeless	CDBG: \$48,556 / CDBG-CV: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	850	222	26.12%	167	222	132.93%
Homelessness	Homeless	CDBG: \$0 / CDBG-CV: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	60	54	90.00%			90.00%
Homelessness	Homeless	CDBG: \$31,545 /	Homeless Person Overnight Shelter	Persons Assisted	100	99	99.00%	38	56	147%

		CDBG-CV: \$								
Homelessness	Homeless	CDBG: \$0 / CDBG- CV: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0		0	0	
Homelessness	Homeless	CDBG: \$0 / CDBG- CV: \$	Homelessness Prevention	Persons Assisted	0			0		
Strengthen Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$ / CDBG- CV: \$300,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1200	0	0.00%			
Strengthen Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$ / CDBG-CV:	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1345	1286	95.00%		403	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Please note, these activities and the goals listed in the table are related to the City’s 5-Year Consolidated Plan. Where there is funding listed in the table above, these goals were set as priorities for PY2021-22.

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified. During Program Year 2021, the City’s CDBG subrecipients continued to provide vital services to extremely low, very low, low and moderate-income households while addressing: (1) the priorities and needs of the

community as explained in the City's adopted 2020-25 Consolidated Plan; and (2) the City's funding priorities and strategies to address COVID-19 related impacts, using funds from the CDBG CARES Act (CDBG-CV).

The City has achieved a number of goals as outlined in the 2021 Annual Action Plan (AAP) through CDBG and CDBG-CV funding. A total of \$746,715 is available for funding projects and programs during the 2021 Program Year. The City received \$536,756 from the federal CDBG program, approximately \$136,049 in program income and \$73,910 in reallocated funds from previous years. At the time of this reporting, the City has spent approximately \$186,934. However, this will significantly increase in the next few months. Due to turnover and lack of staffing, three of the organizations have requested an extension of the reporting deadline and in one case an extension in contract.

Through the combination of CDBG and CDBG-CV funds, in total, 935 persons were assisted in this Program Year. Of the 935 persons, 383 were extremely low-income, 421 were low income and 131 were moderate income of the total. Approximately 40 percent of all persons were assisted through the COVID-19 related activities.

With the CDBG annual formula grant, Catholic Charities, through the Ombudsman Program, assisted 262 senior residents through visitation and phone outreach at the local long-term facilities, and LifeMoves, at the Opportunity Services Center, provided case management services including assistance with housing and job searches to 56 homeless/very low-income community residents. Project Sentinel provided fair housing and tenant/landlord mediation services to 24 local residents. Additionally, through the CDBG funds, Alta Housing was able to offer on-site counseling services to 151 residents of the Single-Room Occupancy (SRO) Resident Support Program. Additionally, Rebuilding Together Peninsula was able to assist six households (eight persons) with home rehabilitation to help assist in the City's goal of affordable housing.

Ravenswood Family Health Network, a local health clinic, administered COVID-19 tests for 403 community residents through the CDBG annual formula grant through the pop-up vaccination events and booster COVID-19 vaccines.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	416
Black or African American	109
Asian	146
American Indian or American Native	2
Native Hawaiian or Other Pacific Islander	3
Total	676
Hispanic	54
Not Hispanic	622

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Table 2 generated in IDIS has only five racial categories and does not reflect all of the racial categories served by the City's CDBG funded activities. To accurately report the racial and ethnic breakdown, Table 2 is edited and provided as an attachment in the "Narrative" section. The updated table shows the accurate racial and ethnic categories of total individuals served in PY2021-22 through CDBG and CDBG-CV funds. Total number (935) also includes 403 individuals assisted through the COVID-19 related activities. In total, the City's CDBG program served 935 individuals in PY2021-22. Of those individuals, approximately 44% were White; 27% were African American; 36% were Asian; less than 1% were either American Indian/American Native, Native Hawaiian, American Indian/Alaskan Native and Black, American Indian/Alaskan Native and White, Black or African American/White. Fifty six percent of individuals reported as "Other."

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	746,715	186,934
Other	public - federal	0	

Table 3 - Resources Made Available

Narrative

Almost all of the City's CDBG subrecipients were able to utilize all of their grant funds in PY2021-22 with the exception of Silicon Valley Independent Living Center (SVILC) Rental Assistance Program and Ravenswood Family Health Network: ADA Accessible Clinic Entrance and Exit at the Palo Alto Clinic; both COVID-19 (CARES-ACT) projects.

- Silicon Valley Independent Living Center (SVILC) Rental Assistance Program has \$47,085 remaining in this grant. SVILC has continued to face challenges with the shutdown due to the COVID-19 pandemic and their inability to provide in-person services to residents at the Palo Alto Opportunity Services Center. Additionally, the State's extended eviction moratorium has postponed many residents' acute concerns about being behind on rent. The City has worked with SVILC and provided them an extension of six additional months, through December 2021, to utilize the remaining grant funds because the agency expects that after the state's eviction moratorium ends, there will be an increase demand for rental assistance. SVILC reported that they have assisted 6 people and their goal was 10 for the year.
- For Ravenswood Family Health Network (ADA Accessible Clinic Entrance and Exit at the Palo Alto Clinic), the project was funded \$300,000 but the project had a number of issues in regards to architectural design and plan check approval. They are nearing completion for all of the preliminary items and will be putting the project out to bid soon. Once a contractor is chosen and construction begins, they estimate the work to last about 2-3 months. A combination of County plan check delays and supply chain issues were causing the overall delay of the project resulting in a request for a time extension to June 2023 to complete the work.

Every year, the City tracks a sub-recipient's spending with the goals that have been established. In some cases, a sub-recipient/organization is not able to spend the remaining funds. These funds are then added to the City's unused funds from previous years and are considered roll over funds to be allocated as part of the following program year. The anticipated rollover funds from program year 2021 were included in the planning process for program year 2022. The Notice of Availability of Funding (NOFA) was published in Winter 2021.

In the case that SVILC and Ravenswood are not able to spend the remaining funds, these funds will be added to the City's unused funds from previous years and will be allocated as part of the 2023-24 Notice

of Availability of Funding (NOFA) to be published in Winter 2022.

In October 2020, Staff published NOFA for the second round of available CDBG-CV funds (\$451,504) and received two applications Ravenswood Vaccination Van, and LifeMoves Hotel De Zink Program.

- Hotel De Zink provided emergency shelter to homeless clients from January 2021 through June 2021. After fully funding the two requests, the City still had \$43,000 to allocate to an activity/project. In February 2021, staff re-published NOFA for the remaining \$43,000 and received only one application from LifeMoves for the same Hotel De Zink program (provide emergency shelter to homeless clients from July 2021 through December 2021). Staff amended the original contract and added \$43,000 and extended the term of performance from June 2021 to December 2021. The organization fully utilized the additional \$43,000 by December 2021.
- Ravenswood Vaccination Van was funded through a combination of PY2020 CDBG annual formula grant (\$149,950) and CDBG-CV (\$204,600) funds. This activity’s goals were achieved. According to their reporting, the Ravenswood organization assisted 403 persons with vaccination and or testing in program year 2021-2022.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City considers the provisions of all types of housing assistance on a citywide basis consistent with the policies of the Comprehensive Plan. Palo Alto does not have specific target areas for housing activities; instead, the City attempts to provide affordable housing to lower-income persons throughout the City. Minority concentration includes areas in the City where the concentration of racial and ethnic minority population is 10% or higher than their total citywide representation. There are only a few areas that are considered to have a concentration of minority populations or low-income residents in Palo Alto. The CDBG Program defines low-income concentration as any census block group where 51% or more residents earn 80% of Median Family Income (MFI) or less. An exception exists for a jurisdiction that does not have any areas meeting this definition, such as Palo Alto, which includes the highest quartile of all areas in the City in terms of degree of concentration, is used. However, Palo Alto does not qualify activities under the low- and moderate- income (LMI) area benefit category.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Palo Alto leverages federal and private housing funds to the greatest extent feasible consistent with the goals identified in the 2020-2025 Consolidated Plan. Moreover, the City continues to encourage non-profit organizations to seek other local, state, and federal funding for both housing and non-housing community development activities.

HUMAN SERVICES RESOURCE ALLOCATION PROCESS (HSRAP): The City of Palo Alto provided \$549,306 in General Funds during PY2021-22 to address primary human service needs in the community. These funds include multi-year agreements allocated by HSRAP and administered by the Office of Human Services in the Community Services Department. Funded projects addressed the Human Relations Commission’s priority needs in the following categories: early childcare and education, youth programs, senior nutrition and social services, homelessness, and basic needs such as health care and mental health.

HOUSING IN-LIEU: The City of Palo Alto maintains a local housing fund consisting of two sub funds: the “Commercial Housing Fund” and the “Residential Housing Fund.” Palo Alto, under Chapter 16.65 of the Municipal Code, requires commercial and industrial development projects to pay a housing mitigation fee. The fees are deposited in the “Commercial Housing Fund”, and the accumulated fees and interest earned on the fund are made available for the creation of new low and moderate-income housing units under the “Affordable Housing Fund Guidelines” adopted by the City Council. As of April 12, 2022, the Commercial Housing Fund had a preliminary available balance of approximately \$1,451,109.

Pursuant to Program H-3.1.2, the Below Market Rate Program of the City’s Housing Element, Palo Alto collects housing in-lieu fees from residential development when it is infeasible to provide below market rate units on-site. The accumulated fees and interest earned on the fund and other miscellaneous revenues related to housing, are placed in a special fund: “Residential Housing Fund.” This fund is used to provide funding for acquisition or rehabilitation of low and moderate-income housing but may also be used for assistance to new housing construction projects. As of April 12, 2022, the Residential Housing Fund had a preliminary available balance of approximately \$731,838.

These are the only local sources of funding and subsidies available for affordable housing within the City. They are used to provide matching funds, pay for expenses which exceed HUD income and cost limits, to fund the cost of features and amenities classified as ineligible under federal housing programs, predevelopment expenses, feasibility studies, site acquisition, and other similar purposes.

No publicly owned land or property was used to address needs identified in the Annual Action Plan.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	0	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	6	6
Number of households supported through Acquisition of Existing Units	0	0
Total	6	6

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City has partnered with Rebuilding Together - Peninsula and introduced a "Safe at Home" Program. Through this program, critical health and safety related home repair needs were provided to six low-income homeowners. This is the first year that this program has been implemented and had trouble initially establishing environmental process through the City. However, despite these initial setback, Rebuilding Together – Peninsula was able to exceed their initial goals and will also be funded in the next program year.

Discuss how these outcomes will impact future annual action plans.

The City has partnered with Rebuilding Together - Peninsula and introduced a “Safe at Home” Program. Through this program, critical health and safety related home repair needs were provided to six low-income homeowners. All six households served were extremely low-income. As previously mentioned, the City has decided to continue to support Rebuilding Together – Peninsular in the upcoming program year. The organization has continued to provide essential services to residents and this partnership will continue to support the affordable housing goals contained in both the Consolidated Plan and Action Plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	6	0
Low-income	0	0
Moderate-income	0	0
Total	6	0

Table 7 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)
Evaluate the jurisdiction’s progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Providing services for the unhoused in Palo Alto and ultimately ending homelessness has been a long-standing local concern. As the COVID-19 pandemic continues to be present, the strain on individuals and households has increased the number of people experiencing homelessness, challenged service providers to find new ways to deliver services, and makes this topic even more relevant.

Every two years, during the last ten days of January, communities across the United States conduct comprehensive counts of the local population experiencing homelessness. The last Point-in-Time Count was done in 2019 and it showed 313 Total Unhoused in Palo Alto (299 unsheltered and 14 sheltered) which is an increase from 2017, when the count was 276. The County was unable to complete a count in PY 2021 due to COVID-19; a Point-in-Time Count was completed in 2022 and County is working on finalizing 2022 numbers.

The City of Palo Alto supports services to the unhoused as well as homelessness prevention through three main funding sources: HSRAP, CDBG, and Emerging Needs Fund. At a high level, funding for the unhoused is geared towards unhoused support and homelessness prevention. Unhoused Support includes: workforce development, basic needs stipends for work experience, food, seasonal homeless shelter, school supplies for homeless children, case management, tele-medicine equipment, and shower/laundry services.

Homelessness Prevention Support includes: Provision of emergency rent and utility funding assistance through LifeMoves and Silicon Valley Independent Living Center. Additionally, there are local and State rental assistance programs available to local residents during the COVID pandemic. LifeMoves – Opportunity Center is designated by the County as the Emergency Assistance Network Agency for financial assistance for Palo Alto.

The Opportunity Services Center (OSC) in Palo Alto exclusively serves homeless individuals. LifeMoves at the OSC, provides intake services to all the clients they serve to assess their needs and provide the appropriate resources and referrals. They also provide basic need services such as access to restrooms, showers, laundry, used clothing, hygiene supplies, health care, mail/telephone services, food, transportation assistance, information and referral services, counseling, and other critical services. As a result, through support from CDBG and funding from the County’s office of supportive housing, in PY2021-22, they have served 56 unduplicated individuals.

Palo Alto will continue to explore its funding strategy and collaborate with other South County cities to ensure that limited federal and local resources are targeted to pressing community needs such as homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The following activity received funding from the City of Palo Alto to provide emergency shelter and/or transitional housing for homeless persons

LifeMoves – Hotel De Zink, CDBG \$ 31,545: Through the Hotel de Zink activity, LifeMoves, offered longer hours of support to the homeless population of Palo Alto. The hours of operations of the Hotel de Zink emergency shelter were extended by 55% from 9 PM through 6 AM, to 5PM through 7 AM. This allowed these vulnerable clients to have a greater portion of their day in a safe and supportive environment where they could receive the assistance they so desperately needed. The longer Hotel de Zink hours, and increased communication via the electronic signage are a few factors attributed to not having a widespread outbreak of COVID-19 within the Opportunity Services Center and/or Hotel de Zink emergency shelter. The organization is continuing the extended hours of operations.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The following agencies received funding from the City of Palo Alto to help low income individuals and families avoid becoming homeless.

Alta Housing; CDBG \$24,535: Alta Housing had on-site counseling services available to residents of the 131 units of the Single-Room Occupancy (SRO) Resident Support Program at Alma Place and Barker Hotel. Majority of the residents are low-income, disabled, elderly, veterans, and formerly homeless adults. Many residents have difficulty managing daily living skills, such as managing finances, maintaining their health (mental and physical) and apartments, and getting along with others. Without onsite support, such issues can become so severe that tenants risk losing their housing. Case management was provided to 151 residents.

LifeMoves; Case Management; CDBG \$31,545: The organization provided 1:1 case management service including assistance with housing and job searches, referrals, and mentoring to 56 unduplicated homeless and/or very low-income Palo Alto residents.

Silicon Valley Independent Living Center; Rental Assistance Program; CDBG \$58,233: Through this grant, the organization was able to address rent increases, utility payments, emergency situations, and other market forces due to COVID-19 to 6 residents. The target population of this activity were the lower income (80% or less AMI) residents with disabilities, veterans and older adults, aged 55 and over.

The City follows the guidance of Santa Clara County's CoC as it relates to individuals who may be discharged from publically funded institutions and systems of care. Currently, neither the CoC nor the City have a written policy that specifically addresses discharges, but the CoC actively works with health care facilities, hospitals, and correction programs and institutions when individuals are discharged to provide referrals to shelters.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The following agencies received funding from the City of Palo Alto to help homeless persons make the transition to permanent housing and independent living.

Silicon Valley Independent Living Center; Case Management; CDBG \$14,021: SVILC is highly recognized for its Housing Workshops. The Housing Workshops cover many important topics such as: credit readiness and credit repair; types of low-income housing and eligibility; application and interview preparation; tenant and landlord rights and responsibilities; fair housing and home modifications laws and resources; security deposit and rental assistance programs; long term services and supports. Through the PY2021-22 CDBG funding, 26 unduplicated Palo Alto residents with disabilities received one-on-one assistance and developed an independent living plan for housing which resulted in improved accessibility to decent affordable housing. Their annual goal was 24.

Project Sentinel; Fair Housing Services; CDBG \$33,698: Project Sentinel provided community education and outreach regarding fair housing law and practices, investigation, counseling and legal referral for victims of housing discrimination. In total, 17 fair housing complaints were investigated by Project Sentinel and 24 residents were provided individual consultation relating to specific fair housing questions.

CR-30 - Public Housing 91.220(h); 91.320(j)**Actions taken to address the needs of public housing**

Not applicable. The Housing Authority of the County of Santa Clara (HACSC) owns and manages four (4) public housing units, which are all located in the City of Santa Clara. There is no public housing in Palo Alto.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

While the majority of their units have been converted to affordable housing stock, HACSC is proactive in incorporating resident input into the agency's policy-making process. An equitable and transparent policy-making process that includes the opinions of residents is achieved through the involvement of two tenant commissioners, one being a senior citizen, on the HACSC board.

Actions taken to provide assistance to troubled PHAs

Not applicable.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Palo Alto has undertaken a number of actions to eliminate barriers to the development of affordable housing including participation in a county-wide effort to provide additional affordable housing units; programs in the 2015-2023 Housing Element to increase the supply of affordable housing; and increase the development impact fees for housing.

Housing Trust Silicon Valley (Housing Trust): The Housing Trust, formerly the Housing Trust Fund of Santa Clara County (HTSCC), was created to provide additional financial resources to address the County's affordable housing deficit. The Housing Trust's mission is to make Silicon Valley a more affordable place to live. Loans and grants are issued to increase the supply of affordable housing, assist first-time home buyers, prevent homelessness and stabilize neighborhoods. Palo Alto was among the contributors during its founding and has continued to allocate funding. A provision was added to ensure the City's funds be used exclusively for qualifying affordable housing projects within the City of Palo Alto.

2015-2023 Housing Element Update: The Palo Alto Housing Element, which is part of the City's Comprehensive Plan, is the chief policy document describing the City's housing needs and the policies and programs the City will use to meet those needs. The 2015-2023 Housing Element Update has been certified by the California State Department of Housing and Community Development.

Development Impact Fees for Housing: The City's impact fees are comprised of four categories: Housing, Traffic, Community Facilities, and Parkland Dedication. The City has completed Nexus Studies for Residential and Commercial Development. The studies served as a basis for an update to both residential and non-residential housing fees and became effective on June 19, 2017. The housing impact fees are updated annually. Full payment is required at building permit issuance with some exemptions including hospitals and convalescent facilities, private education facilities, public facilities and private clubs, lodges and fraternal organizations.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City's CDBG program diligently works with other purveyors of funding to provide the most value per dollar. This is actualized by partnering with other City resources such as HSRAP and leveraging dollars invested in site acquisition for low-income housing with a multitude of other funding sources. However, Palo Alto is at a disadvantage in removing or eliminating obstacles to meeting underserved needs due to the consistently shrinking amount of CDBG funds available in recent years. To address this, the City supplements its CDBG funding with other resources and funds, such as:

- During PY2021-22, the City's Human Service Resource Allocation Process (HSRAP) provided approximately \$549,306 from the General Fund in support of human services. The HSRAP funds, in conjunction with the CDBG public service funds, are distributed to local non-profit agencies;
- The Palo Alto Commercial Housing Fund is used primarily to increase the number of new affordable housing units for Palo Alto's work force. It is funded with mitigation fees required from developers of commercial and industrial projects;
- The Palo Alto Residential Housing Fund is funded with mitigation fees provided under Palo Alto's BMR housing program from residential developers and money from other miscellaneous sources, such as proceeds from the sale or lease of City property;
- The City's Below Market Rate Emergency Fund was authorized in 2002 to provide funding on an ongoing basis for loans to BMR owners for special assessment loans and for rehabilitation and preservation of the City's stock of BMR ownership units; and
- HOME Program funds are available on an annual competitive basis through the State of California HOME program, and the County's HOME Consortium.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Lead poisoning can cause permanent damage to the brain and many other organs, and can result in reduced intelligence and behavioral problems in young children. More than 80,000 children younger than six years old living in the United States have lead in their blood that is above the level of concern set by the Centers for Disease Control and Prevention (CDC). A significant number of these children are in families of low income and are living in old homes with heavy concentration of lead-based paint and lead-contaminated dust and soil in the environment.

The City's housing and CDBG staff provides information and referrals to property owners, developers, and nonprofit organizations rehabilitating older housing about lead-based paint (LBP) hazards. Any house to be rehabilitated with City financial assistance is required to be inspected for the existence of LBP hazards. The City will provide financial assistance for the abatement of LBP hazards in units rehabilitated with City funding. The City also requires that contractors are trained and certified in an effort to decrease the risk of potential use of LBP in new units. All development and rehabilitation projects must be evaluated according to HUD's Lead Safe Housing Rule 24 CFR Part 35.[1]

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City, in its continuing effort to reduce poverty, prioritized funding agencies that provide direct assistance to the homeless and those in danger of becoming homeless. In PY2021-2022, these programs included the following:

Catholic Charities of Santa Clara County, through the Ombudsman Program, assisted 262 senior residents through visitation and phone outreach at the local long-term facilities.

LifeMoves, at the Opportunity Services Center, provided case management services including assistance with housing and job searches to 56 homeless/very low-income community residents. LifeMoves provides basic necessities for persons who are homeless or at risk of becoming homeless. The Opportunity Services Center is a comprehensive, one-stop, multi-service, day drop-in center that provides critical services for homeless Palo Alto residents. Specifically, the facility provides showers, laundry, clothing, snacks, case management, and shelter/housing referral services.

Alta Housing provided counseling and supportive case management services for low-income residents of single-room occupancy facilities to help them maintain housing stability. Activities included financial counseling, health maintenance, information and referral, problem solving, employment assistance, crisis intervention, and case management. Alta Housing was able to provide services to 151 individuals.

Downtown Streets Team is a nonprofit in the City that works to reduce homelessness through a “work first” model. Downtown Streets Team utilized their community connections to provide training and job opportunities to homeless people, specifically in the downtown area. The Workforce Development Program provided transition from unemployment and homelessness to regular employment and housing through case management, job training, mentoring, housing, and transportation assistance. The Downtown Streets Team connected seven individuals who were meaningfully employed.

As mentioned previously, the City provided LifeMoves with \$31,545 in CDBG funds in PY2021-22. During the fiscal year 56 homeless and/or very low-income Palo Alto residents received case management services including assistance with housing/job search, referral and mentoring.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City is striving to improve intergovernmental and private sector cooperation to synergize efforts and resources and develop new revenues for community service needs and the production of affordable housing. Collaborative efforts include:

- Regular bi-weekly meetings between entitlement jurisdictions at the CDBG Coordinators;
- Meeting and Regional Housing Working Group;
- Joint jurisdiction Request for Proposals and project review committees;
- Coordination on project management for projects funded by multiple jurisdictions; and
- HOME Consortium meetings between member jurisdictions for affordable housing projects.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as the County and the Continuum of Care (CoC). To improve intergovernmental and private sector cooperation, the City participated with other local jurisdictions and developers in sharing information and resources. In addition to the actions listed above, the City will

continue to coordinate with the City's HSRAP funding efforts to comprehensively address community needs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City makes every effort to affirmatively further fair housing in compliance with the adopted Analysis of Impediments. The following is a list of actions taken to affirmatively further fair housing:

- The Department of Housing and Community Development has certified the City's 2015-2023 Housing Element update;
- The City targeted the majority of its local housing funds to increase and preserve the supply of affordable housing;
- The Office of Human Services regularly met with the County of Santa Clara Housing Authority to place homeless individuals with Section 8 vouchers;
- Affordable housing information and referral services were provided by the Office of Human Services; and
- In a joint effort with the County of Santa Clara and Cities, the City is currently updating its Assessment of Fair Housing (AFH) Plan. The Palo Alto AFH Plan is expected to be completed in Winter/Spring 2023.

During PY2021-22, the City continued to support actions to affirmatively further fair housing choice through a subrecipient agreement with Project Sentinel, a non-profit organization dedicated to assisting individuals with housing problems. Project Sentinel exceeded their goal of 15 individuals served through case work. They served 24 individuals via casework. They also exceeded their goal of 12 consultations. They completed 16 extended fair housing consultations, and reached 1,147 Palo Alto residents and service providers through outreach. They updated their fair housing manual for housing providers and is readily available on their website. They also met their goal of distributing a minimum of 1000 pieces of literature. They exceeded their goal of reaching 50 people through intake and referral and instead reached 53 people.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City continues to actively monitor all subrecipients and projects ensuring compliance with program and comprehensive planning requirements. Monitoring involves review of semiannual and annual performance reports, review of reimbursement requests and submitted backup documentation, agency's audit reports etc. Biennial on-site monitoring is carried out for all CDBG subrecipients and consists of reviewing client files, project objectives and conformance with agreement, administrative management, financial management/internal controls etc.

For the program year 2021-22, the City anticipates completing the monitoring in by end of 2022.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The program year 2021-2022 Draft CAPER was made available on the City website (<https://www.cityofpaloalto.org/CDBG>) for the required 15 days public comment period from August 24th through September 7, 2022. An advertisement was placed in The Daily Post, a newspaper of general circulation, on August 24, 2022, advertising the availability of the CAPER for public review and comment. The draft CAPER was posted on the City's website on August 24, 2022. Due to COVID-19, copies of the CAPER were available electronically. The Human Relations Commission held a virtual public hearing on September 8, 2022 to discuss the CAPER and to allow the public an opportunity to comment on the CAPER. Public comments were not received during the 15-day public review/comment period. Two (2) public comments were received during the HRC meeting held on September 12, 2022 (see page 26 of this document).

Per the City's adopted Citizen Participation Plan, the City offers translation services when a significant number of non-English speaking residents can be reasonably expected to participate, or when a reasonable request for such an accommodation is made. Non-English speaking residents requiring translation assistance or residents requiring any accommodations are advised to submit their request as soon as possible but no later than 48 hours in advance of a scheduled meeting, program, or service.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Not applicable. The City does not plan to change the CDBG program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					

Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					
Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

Public Comments

Human Relations Commission

Meeting – September 8, 2022

FY 2021-2022 CAPER

Public comments were not received during the 15-day public review/comment period.

Two (2) public comments were received during the HRC meeting held on September 12, 2022.

Speaker #1 – Alexis Crews-Holloway, Project Manager with Downtown Streets Team

- First off, I would like to thank HRC, City staff and the City's CDBG consultants Maria and Maria for all their hard work on this and our continued partnership. We are so appreciative of you all. I would like to call to everyone's attention to the memo that will be attached to the CAPER as a separate attachment when it is submitted to HUD. It does state that our program assisted 15 individuals with job placement at year end, which is accurate and that we have achieved 107% of our contract goal. Our goal was to assist 14 individuals, so we actually have exceeded our contract goal even though what is reported in the CAPER does not reflect this. I'm here if anyone has questions, although we still have questions ourselves hoping to have answered soon from City's CDBG consultants. So, thank you to the HRC and everyone involved in this reporting process. I hope you all have a good evening.*

Speaker #2 – Carol Conn, Executive Director Project Sentinel

- Just want to thank the HRC Commission and otherwise all the staffing that goes into the work to make the fair housing piece of the services sing. We are thankful for the partnership with the City of Palo Alto. We, in addition to fair housing and the significant work we put forward there. We also have a very robust landlord/tenant mediation program that the goal for which is to keep people housed and living in harmony and that is also a very big component of what Project Sentinel does for the City of Palo Alto. Just wanted to reiterate our appreciation and thanks to the City for the continued support. Thank you.*

**CITY OF PALO ALTO - CDBG
ANNUAL ACTION PLAN FY2020-21: CDBG-CV SUBSTANTIAL AMENDMENT
City Council Approved June 20, 2022**

INTRODUCTION:

The City of Palo Alto's Annual Action Plan details the funding strategy for the Community Development Block Grant (CDBG) program each year. Through the Annual Action Plan, the City implement its Five-Year Consolidated Plan. The City's Citizen Participation Plan (CPP) describes the efforts that the City will take to encourage its residents to participate in developing these plans. It also provides requirements for public process when a "substantial amendment" to the Annual Action Plan is proposed. The following changes constitute a substantial amendment and require public notice as described in the CPP:

- A change in the use of CDBG funds from one eligible activity to another;
- The implementation of an activity not previously identified in sufficient detail to provide affected citizens an opportunity to submit comments; or
- A change in an activity's program budget which exceeds ten percent of the City's latest annual entitlement grant.

The information provided in this attachment qualifies as a substantial amendment because it meets all three criteria of a substantial amendment as described in the City's CPP.

BACKGROUND:

The United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 27, 2020. The CARES Act expedites the use of CDBG funds to prevent and respond to COVID-19. Through the CARES Act, the City received a total of \$746,413 in two separate grant allocations. These funds are to be used specifically for responding to the COVID- 19 pandemic.

On June 15, 2020, Council allocated a portion of the first allocation of CARES Act funding (CDBG-CV1) in the amount of \$294,900 to LifeMoves to provide rental assistance to eligible low-income Palo Alto families (i.e. 80% Area Media Income and below) who have suffered documented income loss due to COVID-19. Of this amount, LifeMoves was able to spend \$99,499.50, and is now giving the remaining \$194,500.50 back to the City to reallocate.

The purpose of this substantial amendment to the City of Palo Alto's FY 2020-21 Annual Action Plan is to reallocate a portion of the CDBG-CV funds that was returned by a subrecipient to two new COVID-19 related projects and provide a summary of the recommended projects/activities.

DISCUSSION:

The City will re-allocate \$194,500.50 in CDBG-CV funds that was returned from LifeMoves Rental Assistance Program. The LifeMoves Rental Assistance Program was funded in FY 2020-

21 under the CDBG public services category to provide eligible households who are unable to meet their monthly financial obligations as a result of the COVID-19 emergency with rental assistance. Individuals and families in danger of becoming homeless or losing their homes, will be able to remain in their homes. LifeMoves informed the City that they would be unable to spend the remaining funds that they received for this program and are therefore returning the funds to the City to be reallocated towards different COVID-related activities. Table 1 provides an overview of the recommended re-allocation of the \$194,500.50 from the FY 20/21 program year.

Table 1. Staff Recommendation for the Reallocation of CDBG-CV Funds

	Agency – Name of Program	Amount
1.	MOVE Mountain View – Safe Parking Program	\$160,300
2.	LifeMoves – COVID-19 Testing Program	\$34,200.50
	TOTAL	\$194,500.50

Public Outreach Process for the Reallocation of CDBG-CV Funds

The City circulated the amendment to the FY 2020-21 Annual Action Plan for a 30-day public comment period from May 20, 2022 through June 20, 2022. After the public comment period concludes, the City Council will hold a public hearing on June 20, 2022.

A brief description of programs that will be funded with the City’s reallocated CDBG-CV funds is provided below. The CDBG-CV funds will provide a valuable funding source for the City and its non-profit partners to address the community needs in the wake of the COVID-19 pandemic.

Project Name	MOVE Mountain View – Safe Parking Program
Goals Supported and Needs Addressed	COVID-19 Response
Funding Amount	CDBG-CV: \$160,300
Description	The program provides reserved off-street parking for participants, as well as permanent housing solutions through intensive case management. The Geng Road Safe Parking Lot is where MMV will utilize the grant. There are 12 RV safe parking spaces with eight spaces for client commuter car parking. A unique resource on this lot is the presence of two buildings. A library, laundry, kitchen, showers, and office spaces will create many options for service to the clients in the program.

Estimate the number and type of families that will benefit from the proposed activities	Approximately eight Palo Alto residents will be served.
Location Description	Citywide (Palo Alto)

Project Name	LifeMoves – COVID-19 Testing Program
Goals Supported and Needs Addressed:	COVID-19 Response
Funding Amount	CDBG-CV: \$34,200.50
Description	LifeMoves will use this funding to purchase CUE Health Tests that test for COVID-19 and deliver accurate results in 20 minutes. They can be administered to anyone at any time that the Opportunity Services Center is open, whether the client is symptomatic or asymptomatic.
Estimate the number and type of families that will benefit from the proposed activities	Approximately 450 Palo Alto residents will be served.
Location Description	Citywide (Palo Alto)

Schedule of Meetings

Published November 3, 2022

This is a courtesy notice only. Meeting dates, times, and locations are subject to change. Almost all Palo Alto Council and some Standing Committee meetings are cablecast live on Channel 26. If there happens to be concurrent meetings, one meeting will be broadcast on Channel 29.

Meetings are held in-person and virtually unless otherwise noted

THURSDAY, November 3

Architectural Review Board, 8:30 a.m.
Policy & Services Committee, 7:00 p.m.

Council Chambers
Council Chambers

MONDAY, November 7

City Council, 5:00 p.m.

Council Chambers

TUESDAY, November 8

Policy & Services Committee, 7:00 p.m.

CANCELLED

THURSDAY, November 10

Historic Resources Board, 8:30 a.m.
Human Relations Commission, 6:00 p.m.

Council Chambers
Council Chambers

MONDAY, November 14

City Council, 5:00 p.m.

Council Chambers

TUESDAY, November 15

Finance Committee, 5:30 p.m.

Community Meeting Room

WEDNESDAY, November 16

Planning & Transportation Commission, 6:00 p.m.

Council Chambers

THURSDAY, November 17

City/School Liaison Committee, 8:30 a.m.
Architectural Review Board, 8:30 a.m.
Public Art Commission, 7:00 p.m.

Virtual Only
Council Chambers
Community Meeting Room

FRIDAY, November 18

Rail Committee, 1:00 p.m.

Community Meeting Room

MONDAY, November 21

City Council, 5:00 p.m.

CANCELLED

TUESDAY, November 22

Parks & Recreation Commission 7:00 p.m.

Council Chambers

MONDAY, November 28

City Council 5:00 p.m.

Council Chambers

TUESDAY, November 29

Finance Committee 5:30 p.m.

Community Meeting Room

WEDNESDAY, November 30

Planning & Transportation Commission 6:00 p.m.

Council Chambers

Persons with disabilities who require auxiliary aids or services in using City facilities or programs, or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990 may contact: ADA Coordinator, City of Palo Alto, 650-329-2550 (voice) or 329-1199 (TDD), ada@cityofpaloalto.org. Listening assistive devices are available in the Council Chambers. Sign language provided upon request with 72 hours advance notice. Please advise the City Clerk's Office (650-329-2571) of meetings or changes by 3:00 p.m. on Wednesdays for inclusion in the following week's