



CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, November 15, 2022
via Teleconference

Please Note: The City Council will meet in person as well as via Telephone/Video Conference

Telephone: 1-669-444-9171 / Webinar ID: 820 2710 2838

<https://losaltosca-gov.zoom.us/j/82027102838?pwd=eC9lY25UUXRITzUwdUI3TFZ4MS9Gdz09>

Passcode: 173861

TO PARTICIPATE IN-PERSON: Members of the public may also participate in person by being present at the Los Altos Community Center within the Sequoia meeting room.

TO PARTICIPATE VIA VIDEO: Follow the link above. Members of the public will need to have a working microphone on their device and **must have the latest version of ZOOM installed** (available at <https://zoom.us/download>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

TO PARTICIPATE VIA TELEPHONE: Members of the public may also participate via telephone by calling the number listed above. To request to speak, press *9 on your telephone.

TO SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to PublicComment@losaltosca.gov. Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. .

Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.

AGENDA

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

- A. Public Comment on matters not on the agenda

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. **Response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*:** Approve the draft response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped* (J. Maginot)
2. **Emergency Declaration Resolution:** Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic (J. Maginot)
3. **Minutes:** Approve Minutes of the City Council Regular Meeting of October 25, 2022. (A. Rodriguez)

PUBLIC HEARINGS

4. **Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance.** This Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Possible Action:

- A. Move to read the Ordinance by title only and waive the first reading beyond the title.

B. Introduce an Ordinance amending Title 12 Buildings and Construction of the Los Altos Municipal Code, Sections 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42 and 12.68 adopting by reference the 2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY; 2022 CALIFORNIA ENERGY CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL;

C. Set a public hearing on November 29, 2022, for adoption of the Ordinance, pursuant to California Government Code Section 50022.3.

DISCUSSION ITEMS

- 5. December 2022 Council Meeting Dates:** Provide direction to staff regarding December Council Meeting dates
- 6. Review and Provide Direction:** Request for Transit Service Planning on San Antonio Road Corridor

INFORMATIONAL ITEMS ONLY

- 7.** Annual Development Impact Fees Report for Fiscal Year 2022
- 8.** Municipal Regional Stormwater Permit: Overview of New Requirements
- 9.** Tentative Council Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.

If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record.



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Bill Hough](#)
To: [City Council](#); [Public Comment](#)
Subject: public comment on items not on the 11/15/2022 agenda
Date: Tuesday, November 1, 2022 9:58:53 AM
Attachments: [Anita Enander. Code of Fair Campaign Practices 2022 Redacted.pdf](#)
[Neysa Fligor. Code of Fair Campaign Practices 2022 Redacted.pdf](#)
[Pete Dailey. Code of Fair Campaign Practices 2022 Redacted \(1\).pdf](#)
[Roger Heyder. Code of Fair Campaign Practices 2022 Redacted.pdf](#)

I am writing to support Roger Heyder's public comment of October 28, 2022. Please immediately forward this complaint to the appropriate County fair election officials, since it involves multiple council members and a city official. I am sending this on November 1, 2022, and Roger's complaints need to be addressed prior to the election. I also demand this comment be entered in the public record.

Roger wrote the following which I am printing in italics:

I was required to sign a form 'Code of Fair Campaign Practices' to qualify as a candidate, as did all of the other candidates. The agreement, and conformance, to this code is a requirement for being a candidate, and a pledge to conform to the rules. As demonstrated below, Fligor and Dailey have violated this pledge, thus invalidating the document they signed. As such, they have an incomplete candidate package, and should be immediately removed as candidates.

The key, relevant lines of the Code of Fair Campaign Practices -

Item 2 - 'I shall not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal life or campaign.'

Item 6 - 'I shall immediately and publicly repudiate support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.'

I put up a post on NextDoor 7 days ago announcing that I am running as a write in candidate. During that time, I have received 33 resident comments. 22 of these comments, or about 3 per day, have been harassing comments from the same 3 people. As they 'liked' each other's posts 11 times during that period, it is quite clear they are working together. Bill Sheppard, one of the 3, is on the steering committee of Los Altos Community Voices. They created the candidate matrix that heavily touted Fligor and Dailey, and derided Enander. This was endorsed by the group of former mayors. Joe Beninato, another of the players, is mentioned below.

This is minor compared to what they are doing to the other candidate, Enander. They are also disenfranchising residents with regards to feeling safe in participating in a public forum. People making comments are being bullied and harassed, such that they are reluctant to participate in any community forums and express their opinion.

Here are a couple of comments from residents on ND about this problem (poster names deleted to minimize collateral damage). It is common for people to get kicked off ND for making such comments about the negative behavior of other 'residents', so these people are sufficiently annoyed to step up and risk getting kicked off the only local public forum -

“It seems like Joe Beninato is the hit man for Pete. I do not understand why Joe does not post positive comments about Pete - unless there are none!!! Joe only knows how to post negative comments, which is off-putting for most people that I know. The best method for deciding on who to vote for, is to vote for whoever Joe posts his myriad of negative comments on.”

“JoeHere is YOU, telling someone else they can’t repeatedly post stuff, so why the heck do you do it?”

“You will notice Pete’s team is doing negative campaigning, but Anita is not!”

In getting my candidate signatures, several of the signators expressed concern that signing may cause them and/or their children to get harassed and abused. That is a completely unacceptable situation, and a clear indicator of how bad things have become.

I have not seen a single post or statement highlighting the positive aspects, achievements, or qualifications of Fligor or Dailey. Their campaign in ND is entirely negative, in violation of their pledge. I raised the issue of violating the Code of Fair Campaign Practices on my post and was completely ignored.

Here are a couple of ND posts on candidate Enander by Joe Beninato -

“.interesting that xxx calls listing out Anita’s voting record and lies as ‘attacks’. I prefer to call them facts.” Ref 1 ~ 10/16

“Highlighting Anita’s track record is not negative campaigning. Her lies and questionable votes are what is on the ballot” Ref 1 - 10/16

“Which part of of stating her voting record and her lies is ‘viciously and repeatedly attacking’ Anita?” Ref 1 - 10/16

“The facts are also clear when she lies and says she voted for or against something and the opposite is what really happened They are lies” Ref 2 - 10/17

“I posted a link to the candidate's forum from a few weeks back. And I think 2 or 3 are my concerns about Anita’s lies and voting record” Ref 3 - 10-17

“This is in stark contrast to Anita Enander, whose alleged harassment of staff...” Ref 4 - 10/19

“Anita allegedly harassed former Los Altos City Manager Chris Jordan’s wife” Ref 5 - 10/16

“Anita recently coerced the owner of XXX El Camino Real” Ref 5 - 10/16

It is impossible to characterize this as anything other than negative campaigning, and in clear violation of the Code of Fair Campaign Practices. I have no intention of investing more time combing through ND for additional examples, but there are plenty. It took less than a half hour searching on ND to find these examples. These comments are available in the public domain for validation, unless they have been removed by the posters. I have screen shots of all of my references above.

Who is doing this, and how are they affiliated with Fligor and Dailey? The broadest poster is

Joe Beninato. He is a recent appointee to the Planning Commission, an official city role, approved by the current majority on Council (including Fligor). Dailey is completely aligned, by his own statement, with the current majority on council, and supported by all of the same people as Fligor (including Los Altos Community Voices and the large number of prior mayors). Beninato's people skills, and interest in what the residents think, are evident from the posts cited. That certainly raises questions as to why he was appointed to this position. In any case, he is aggressively supporting Fligor and Dailey, or rather aggressively attacking Enander.

It is difficult to make a case that Fligor and Dailey did not know what is going on with Beninato in support of their campaigns. The negative campaigning and bullying are going on with no intervention or repudiation by either Fligor or Dailey. This is evidently approval and agreement in their actions, and in clear violation of the pledge in the Code of Fair Campaign Practices. Broad negative campaigning has no doubt caused extensive damage to the other candidate in this council race, Enander, which cannot be reversed.

It is also difficult to imagine that residents have not already complained to the city about negative campaign activities. Perhaps the city can come forward with that information.

Los Altos has specified and required the Code of Fair Campaign Practices to qualify as a candidate. Given the above specific issues, the city needs to step up and enforce these rules that they made. There is only one remedy for this situation, which is removal of Fligor and Dailey as qualified candidates.

I am sick and tired of the negative campaigning and bullying in Los Altos, and I think most residents are as well. It simply needs to stop immediately, and the city needs to clearly demonstrate that it will NOT BE TOLERATED. The lack of immediate action by the city on this issue will indicate that they support, and endorse, abusive negative campaigning. The election is only 1.5 weeks away, so dithering is NOT acceptable.

I second Roger's comments and urge the Council to investigate this complaint immediately. Any statement implying that the Code of Fair Campaign Practices is voluntary does not address this issue. Roger has provided the city PDFs of the signed documents, the originals of which the city has in their possession. The city council must take action on Roger's complaint as soon as possible.

In case you accidentally misplaced each candidate's Code of Fair Campaign Practices submissions, I have attached them for your convenience.

Bill Hough.

AUG 12 2022 @ 4:45 pm

CODE OF FAIR CAMPAIGN PRACTICES
(Elections Code § 20440)

CITY OF LOS ALTOS

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Anita Enander
Print Name

8/12/22
Date

[Redacted Signature]
Signature

City of Los Altos Councilmember
Office

AUG 10 2022 @ 9:45 am

CODE OF FAIR CAMPAIGN PRACTICES
(Elections Code § 20440)

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I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Neyssa Fligor
 Print Name
8/8/22
 Date


 Signature
Los Altos City Council
 Office

AUG 1 1 2022

4175

CODE OF FAIR CAMPAIGN PRACTICES
(Elections Code § 20440)

CITY OF LOS ALTOS

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- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

PETE DAILEY
 Print Name
8/11/22
 Date

[Redacted Signature]
 Signature
CITY COUNCIL
 Office

OCT 24 2022

Agenda Item # A.

CODE OF FAIR CAMPAIGN PRACTICES
(Elections Code § 20440)

CITY OF LOS ALTOS

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- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Roger Heyder
Print Name

[Redacted Signature]
Signature

Oct 23, 2022
Date

Los Altos City Council
Office

From: [Otto sbc](#)
To: [Public Comment](#)
Subject: Resolution Against Prop 1
Date: Tuesday, November 1, 2022 1:58:47 PM

I urge the City Council to vote against the radical Proposition 1.

There seems to exist nowadays more sympathy for a life of an animal than for a human being, (- see Nextdoor Neighbor's accounts)

Can we ask for human beings getting the same kind of consideration?

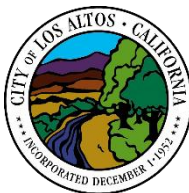
A human life should not be brutally and barbarically extinguished without the affected life having a chance to express his/her wish.

Here are some reasons:

- there are simple and natural ways to not becoming pregnant.
- the baby in the womb is not part of the body of the pregnant woman, as often falsely proclaimed, the mother is only a host, since the baby has its own DNA and blood which does not mingle with the mother's DNA and blood.
- the baby from a certain stage of development can experience cruel pain.
- the aborted baby's body parts are often sold to an industry for experiments.
- SCIENCE is often mentioned by activists but apparently never followed.
- Common societal ethics and morals speak for preservation of human life, not killing it for convenience.

O.S.

Sent from [Mail](#) for Windows



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject Response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Response to Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*
2. Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Do the responses contained in the attached report adequately address the Findings and Recommendations contained in the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*?

Summary:

- The 2022 Santa Clara County Civil Grand Jury has reviewed the wording of various ballot questions and provided its findings and recommendations to the City. A response to the findings and recommendations of the Grand Jury is required by State law.

Staff Recommendation:

Approve the draft response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*



Subject: Response to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*

Purpose

Review and approve or modify the draft responses prepared by staff to the Santa Clara County Civil Grand Jury Report: *If You Only Read the Ballot, You're Being Duped*.

Background

In accordance with Section 933 of the California Penal Code, public agency governing bodies are required to comment on Grand Jury Findings and Recommendations no later than 90 days after the Grand Jury submits a final report.

The Santa Clara County Civil Grand Jury submitted its report entitled *If You Only Read the Ballot, You're Being Duped* on October 7, 2022.

Discussion/Analysis

The 2022 Santa Clara County Civil Grand Jury has reviewed the wording of various ballot questions and provided its findings and recommendations to the City. The City's draft response is included as Attachment 1.

Recommendation

The staff recommends Council approve the draft response.



1 North San Antonio Road
Los Altos, California 94022-3087

M E M O R A N D U M

DATE: November 15, 2022

TO: The Honorable Beth McGowen, Presiding Judge, Santa Clara County Superior Court

FROM: Gabe Engeland, City Manager

SUBJECT: RESPONSE TO THE 2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT “IF YOU ONLY READ THE BALLOT, YOU’RE BEING DUPED”

Findings and Recommendations

Finding 1:

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Response 1:

Respondent, City of Los Altos, disagrees with the finding that the writing of ballot measures at the local level is unregulated. All ballot measure questions for respondent are approved by the elected City Council of the City of Los Altos and subject to State Law.

Respondent notes that the Civil Grand Jury relies heavily on one ballot measure submitted by the Santa Clara Valley Water District as the basis for its findings and recommendations, opining that “with the passage of Measure A, many residents lost confidence in the Water District.” The Civil Grand Jury also sites other measures none of which were submitted by the respondent. Because of this, the Civil Grand Jury wishes to impose unnecessary restrictions on local agencies and provide the County of Santa Clara with unprecedented oversight over other government agencies.

Recommendation 1b:

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Response 1b:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. Under California State Law, the County of Santa Clara and the City of Los Altos are separate municipalities or governmental entities. As stated by the Civil Grand Jury, “one governmental entity cannot regulate another.” Further, the County Counsel for the County of Santa Clara is an official appointed by the Board of Supervisors and has no responsibility to the residents of the City of Los Altos. Finally, the City engages the services of a qualified City Attorney to provide the same review as is being proposed in Recommendation 1b.

Recommendation 1c:

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

Response 1c:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. As previously stated, the County Counsel has no responsibility to the residents of the City of Los Altos and the City Attorney preforms the same function as is being proposed to be given to County Counsel.

Recommendation 1e:

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Response 1e:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. As has been identified, the County of Santa Clara does not have the authority to regulate another agency.

Further, as the Civil Grand Jury states, “adoption of a Good Governance Commission that has the power to reject language would require passage of a state law that would enable the County of Santa Clara to have an express grant of powers to impose a requirement on other entities.” This would represent a dangerous precedent which would require the State to take authority from the City and provide the County with authority to control the actions of the City.

IF YOU ONLY READ THE BALLOT,
YOU'RE BEING DUPED



2022 Santa Clara County
Civil Grand Jury

October 7, 2022

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GLOSSARY AND ABBREVIATIONS

Attorney General	The chief law officer who represents a state in legal proceedings.
Ballot Card	The printed ballot, usually on high-grade paper, consisting of the ballot questions and names of individuals running for elected office.
Ballot Measure	Ballot measures are proposals, usually at a county or local level, to enact new laws or repeal existing laws, which are placed on the ballot for approval or rejection by the electorate.
Ballot Proposition	Ballot propositions are proposals, usually at the state level, to enact new laws or constitutional amendments or repeal existing laws or constitutional amendments, which are placed on the ballot for approval or rejection by the electorate.
Ballot Question or Ballot Label	For purposes of this report, Ballot Question or Ballot Label means the 75-word or less statement of a measure that precedes “Yes” or “No” on the ballot card.
Boards and Commissions	Boards and Commissions are made up of residents who volunteer their time and expertise to assist and advise governing bodies in the chosen capacity.
Caselaw	Law or legal precedent established by the outcome of court cases.
County Counsel or Office of the County Counsel	The County Counsel is the chief legal advisor and representative for the county, including the county board of supervisors and all county agencies and departments.
Elections Code	A collection of California laws related to public elections.

Governing Entity

A jurisdiction such as a city, county, school district, special district, or political subdivision.

Home Rule

The right of self-government that is granted by state constitution or statute to give autonomy to a local government. Home Rule implies that each level of government has a separate realm of authority.

Public Opinion Pollsters

Opinion polls are designed to represent the opinions of a population by conducting a series of questions and then extrapolating generalities in ratio or within confidence intervals. A person who conducts polls is referred to as a pollster.

Registrar of Voters

The department responsible for the operation, administration, and direction of the elections department, with primary responsibility for the registration of voters, the holding of elections, and all matters pertaining to elections.

Single Subject Rule

Per Article II, Section 8(d) of the California Constitution, "An initiative measure embracing more than one subject may not be submitted to the electors or have any effect." Essentially, the rule stands for the notion that where an initiative embraces more than one subject, it can neither be submitted to, nor enacted by, the voters.

Term Limits

A specified number of terms (in years) that a person in office is allowed to serve.

Writ of Mandate

In California, writs of mandate are used by superior courts, courts of appeal, and the Supreme Court to command lower bodies, including both courts and government agencies, to do or not to do certain things.

SUMMARY

It is not uncommon for the public to be confronted daily with news and information through multiple sources—traditional television programming, 24/7 cable news, satellite radio, social media, and phone alerts. In the context of elections, voters' busy lives can be overwhelmed with many different voices. County and state voter information guides are required by law to be mailed to every registered voter, but voters today do not have a lot of time to read these resources. As a result, the ballot measure question printed on the ballot itself becomes a key factor in the outcome of an election.

There is an expectation in California law that ballot questions be drafted in a manner that is not false, misleading, or partial to one side.¹ But there are ways to work around it. Among the fifty or so jurisdictions in Santa Clara County that are eligible to put forth a ballot measure, the 2022 Santa Clara County Civil Grand Jury (Civil Grand Jury) has seen ballot question language that is confusing, advocacy-oriented, or simply dishonest. Yes, sometimes voters are being deceived. Many voters cannot comprehend the complicated language or the implications of that "yes" or "no" vote. In a perfect world, voters would have the luxury of time to research these issues. In reality, however, voters almost always rely on the language of the ballot measure question itself.

What can be done about this? The Civil Grand Jury proposes an oversight person or body, one who has taken an oath to act with integrity, is well versed in the requirements of the law, and is empowered to review and to reject ballot question wording that is false, misleading, or partial to one side. Santa Clara County should have a climate whereby governing entities in Santa Clara County are discouraged from using dishonest or deceitful wording in a ballot question, especially when they know it will be reviewed and could be rejected. In so doing, due process will be strengthened. With clearer writing, ballot measure questions will be more transparent and straightforward, which will lead to a better perception of government by the voters. It is time to remove impediments to good governance.

¹ California Elections Code section 10403 requires a ballot question to "conform to this code governing the wording of propositions submitted to the voters at a statewide election." The California Elections Code contains Section 9051, which provides that in a statewide election the ballot title and summary of an initiative or referendum must be a "true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure." (Elec. C. §9051(c); *see also*, *McDonough v. Superior Ct.* (2012) 204 Cal. App. 4th 1169, 1172.)

BACKGROUND

Ballot measures or ballot propositions are proposals to enact new laws or constitutional amendments or to repeal existing laws or constitutional amendments. They are placed on the ballot for approval or rejection by the voting public. The words “ballot *measures*” are often used by county, city, and local governing entities, whereas at the state level, the California State Legislature uses the term “ballot *propositions*” to refer to the same concept. The ballot measure question, which is the subject of this report, refers to the maximum 75-word text that precedes the “Yes” or “No” selection on the ballot card itself. Because most voters never read beyond what is printed on the ballot card, it is of critical importance that ballot measure questions be concise, accurate, and impartial.

Recently, two local newspaper articles highlighted the tactics that governing entities have used to manipulate voters:

- Borenstein, Daniel, *Tricks California Local Officials Use To Trick Voters*, Bay Area News Group, January 21, 2022.
- Mercury News and East Bay Times Editorial Boards, *Stop Deceiving Bay Area Voters on Local Tax Measure Costs*, June 26, 2020, updated September 5, 2020.

As part of its charge, the Civil Grand Jury is responsible for identifying areas within local government that lack good governance or practices. This Civil Grand Jury identified as a problem the choice of wording used in local ballot measure questions. Specifically, the Civil Grand Jury discovered that some local governing entities presenting measures for a public vote create ballot questions that are purposefully misleading so they may obtain their desired result. In particular, it was noted that the wording of a ballot question from the June 2022 election, although representing a relatively simple issue, created confusion among the public. When voters found out what the text of the measure actually meant, they felt deceived by the wording of the ballot question. Deception in ballot questions is worth the attention of the Civil Grand Jury. This problem must be remediated to reinstate good governance in the election process.

METHODOLOGY

The Civil Grand Jury used the following investigative methods:

- Interviews with ten individuals who are well versed in the intricacies of the election process and experts in political science and local governments
- Three published Civil Grand Jury reports: 2021-22 Alameda County, 2021-22 Santa Cruz County, 2021 Santa Clara County
- Editorials from local and regional newspapers: Mercury News, Los Angeles Times, San Francisco Chronicle
- Close reviews of ballot measures, past and upcoming, from the counties of San Mateo, Santa Clara, Santa Cruz, and the City and County of San Francisco
- Legal research of court challenges involving ballot questions

INVESTIGATION

Throughout this report, the Civil Grand Jury was interested only in the process of ballot measure question drafting, not the substance of the underlying ballot measure itself. In its research and analysis, the Civil Grand Jury does not examine the merits of the measure, but rather whether the question as drafted is truthful, impartial, and fair. Ballot questions must conform to statutory requirements and should provide voters with sufficient information and transparency to make informed decisions.

A straightforward ballot question can be summarized this way: A vote for “Yes” means yes and a vote for “No” means no. Unfortunately, it is common for ballot questions to be presented whereby a vote for “Yes” actually means no, and vice versa. This wording is arguably confusing. Inching farther away from confusing questions, the research performed by the Civil Grand Jury found ballot questions that are even worse—they are misleading.

Santa Clara Valley Water District’s Measure A

During the last election in June 2022, the question for Measure A put forth by the Santa Clara Valley Water District (Water District) employed such a tactic:

Shall the measure amending the Santa Clara Valley Water District Ordinance 11-01 to limit Board members to four successive four-year terms be adopted?

The Water District had term limits already in place for board members to serve three four-year terms, or 12 years at most. Measure A sought to increase term limits to four four-year terms, or 16 years at most. However, the ballot question hid the fact that a term limit was already in place; it

asked voters whether a term limit of four terms should be adopted, thereby couching the question as a measure to *adopt* term limits generally, which one political science expert described to the Civil Grand Jury as a concept widely favorable to the voting public. The ballot question did not reflect what the Water District wanted to do. The Water District wanted to extend term limits, but it wrote the ballot question without using the words “extend,” “change,” or “increase.” Instead, the Water District characterized the ballot measure as setting term limits, which is a mischaracterization of what Measure A was actually about.

Further, it is notable that in November 1998, the County of Santa Clara placed a substantially similar measure on the ballot using the same tactic. Measure E asked:

Shall the County of Santa Clara amend section 202 to limit the number of terms a member of the Board of Supervisors may serve to three terms, consisting of four years each?

Again, the ballot question failed to inform the reader that each member of the County of Santa Clara Board of Supervisors was already limited to two terms and that the ballot measure proposed to *extend* years served, not “*limit*” them. By not being transparent, this tactic of ballot question drafting is tantamount to a lie by omission; it borders on deceiving the public. From Measure E in 1998 to Measure A this year, 24 years later, the climate has not changed.

Regulations that Govern Ballot Questions

Sections 9100-9190 of the California Elections Code specifically address county-level elections. Other sections of the Elections Code, while they do not specifically address county-level elections, have import and therefore apply as well. The County of Santa Clara has not enacted local ordinance code provisions regarding ballot question language.

Under the Elections Code, the wording of a ballot measure must state the ballot question, or what the Elections Code calls the “label,” in 75 words or less (Elec. C. §9051(b), §10403, §13247). The ballot question must state “the nature” of the measure (Elec. C. §13120). The official who drafts the ballot question “shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure” (Elec. C. §9051(c)). In other words, ballot measure questions shall not be false, misleading, or partial to one side.

Who is Responsible for Writing Ballot Questions?

Today, ballot questions are rarely written “from scratch.” Residing in the public domain are hundreds, if not thousands, of boilerplate questions spanning the universe of issues typically faced by government and public agencies. Putting a measure on the ballot usually starts with selecting

an existing template, preferably one that had been used successfully within a reasonable timeframe and geographic proximity to the one at hand. Tweaks are then made to the chosen template to fit the measure being proposed.

Governing entities are ultimately responsible for approving the final text of the ballot question, but the actual selection of words is often the calculated and carefully calibrated work product of hired election experts, consultants, and attorneys. These outside consultants often rely on public opinion pollsters to determine the type of proposal and wording to put before voters that would achieve the desired outcome. Often, this includes using “feel good” wording that is shown to resonate with voters: “reduce crime;” “funds spent locally;” “all money locally controlled;” and “with citizen oversight.” Results from public opinion polls often dictate the structure and selection of words used within the ballot question, which is then voted on and, if successful, adopted by the governing body such as a city council, a county board of supervisors, the board members of a school district, or any governing body of a government entity operating within the county. During the course of this investigation, the Civil Grand Jury learned that local measures on the ballot that governing entities choose wording likely to be most successful at the ballot box over clarity of language to the voter.

For purposes of this investigation, the Civil Grand Jury focused on ballot questions relating to local ballot measures, not state propositions, because according to the California Elections Code, the state attorney general is responsible for providing ballot questions for state propositions. In contrast, there is no similar requirement that a certain officer provide the ballot question for local elections, so it is instead drafted by the proponent of the measure at the local level.

Advocacy and Tactical Wordplay Result in Poorly Drafted Ballot Questions

It has been widely observed today that the 75-word ballot questions are being used as advocacy pieces, at the expense of fairness and impartiality. In an aptly titled [report](#) published in June of last year, the Alameda County Civil Grand Jury advocated for “*The Need for Accuracy and Impartiality of Ballot Measure Questions.*” The jury explained how and why the desire to achieve a certain outcome has tainted the process to produce ballot measure questions that are not accurate and impartial:

In general, we found ballot questions suffer from a “proponent’s bias” that is a natural outgrowth of the typical process through which questions are selected, drafted, and proposed. ... In general, we found that ballot questions too often fall short of what voters have a right to expect in terms of transparency and impartiality, even when satisfying minimum legal standards.

The jury in Alameda reviewed and provided an in-depth analysis of six ballot questions to reach their conclusion. In so doing, they exposed the “tricks of the trade”—wording chosen for the sole purpose of increasing the odds of success at the polls. Adopting the same methodology as the Alameda report, the Civil Grand Jury reviewed past and upcoming ballot measure questions from local jurisdictions within Santa Clara County. The Santa Clara County Civil Grand Jury observed the same tricks and tactics used by governing bodies to deceive voters:

- (1) Using “feel-good” words to garner voter approval. Measure F, November 2020, said “all funds spent locally,” which is meaningless when one pauses to think about it.
- (2) Adding favorable language even where it plainly does not apply. Measure F, November 2020, said “independent audits, citizens’ oversight” where the underlying ordinance implementing the measure makes no mention whatsoever of audit and oversight requirements.
- (3) Adding misleading words to lead voters astray. Measure S, November 2020, said “until ended by voters,” falsely implying that the measure itself provided for repeal or that voters would have an opportunity to repeal the tax when they did not; Measure L, November 2020, conveyed the same with “can be ended by voters.” Measure A, March 2017, said “[funds] cannot be taken away by the State,” falsely implying that the state may access local funds when it may not.
- (4) Manipulating words to divert voters from what is actually at issue. Upcoming Measure N, November 2022, which seeks authorization of \$572 million in school bonds costing approximately 3 cents per \$100 of assessed valuation, states “no increase in tax rates.”
- (5) Omitting relevant information necessary for voters to make informed decisions. Measure AA, November 2016, and Measure H, November 2014, made no mention of the tax increase that would be required to fund the school bonds that were at issue.
- (6) Putting multiple issues on a single measure, ostensibly violating the single subject rule. Measure H, November 2020, sought to increase card room tax and the number of card tables allowed in gambling facilities.

At the writing of this report, the following measures slated for the upcoming November 2022 election also rely on at least one of the tactics described:

E	“all funds spent locally with no money taken by the State and spent elsewhere” - see (1) and (3) above.
G, H, J, L	“until ended by voters” - see (3) above.
I	“Shall the City Charter be amended to add the City's ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?” - see (6) above.
O	“all money staying local” - see (1) above.

Along the same lines, it is worth noting that in June 2022, the Santa Cruz County Civil Grand Jury released its [report](#), “*Words Matter: Did Measure G Deceive Voters?*” The question confronting the jury was whether the County of Santa Cruz was honoring the provisions in the ballot measure following its passage. The jury concluded that the ballot question behind the November 2018 Measure G was misleading after its investigation and research revealed no basis whatsoever for including the words “annual audits and independent citizens oversight” within the ballot question. Arguably, these words were used for no purpose other than to elicit good feelings in the voter.

The Elephant in the Room: Big Money

Elections cost money—lots of money. In an [article](#) published June 30, 2002, updated June 22, 2022, CalMatters put it succinctly: “*Ballot measures are big business.*” The Civil Grand Jury learned that cost is a major factor in the decision to get to the ballot. San Jose’s *Mercury News* reported that the Water District’s Measure A from the June 2022 election cost taxpayers \$3.2 million.

Once the decision is made by the government entity to spend the money to go to ballot, a lot of pressure is put on the entity to do whatever it takes to secure a win. For this reason, proponents of ballot measures stay focused on the result, hiring high-priced election consultants, attorneys, and opinion pollsters to carefully frame the ballot question to achieve the desired outcome. Successful elections will reward those that are behind them. It does not take much imagination to understand how this practice has evolved to become “high stakes.” For example, a school district superintendent who has successfully secured funding through school bond measures may parlay these wins to rally support for a more prestigious role or a position at a larger public institution.

On the other hand, if a measure fails, individuals’ livelihoods are at stake because someone will likely have to take the blame for it—usually either someone on staff or the board proponents of the governing body. This is why proponents advocate so strongly, often—as exemplified above—sacrificing context, clarity, truthfulness, and transparency in ballot question wording in favor of pure advocacy. The Civil Grand Jury learned from those in the ballot question business that it is understood that the drafter will make sure the statement is “lawful,” but it is also understood that it will not necessarily provide full disclosure.

Eroding the Public’s Trust

Many voters in Santa Clara County felt that they were tricked by the Water District based on how Measure A was worded. The Civil Grand Jury compiled the following descriptors of Measure A from local news sources and through its interviews: “deceitful,” “deceptive ballot language,” “designed to confuse voters,” “dishonest,” “false,” “hiding the ball,” “lacks integrity,” “lie by omission,” “misleading,” “not ethical,” “not transparent,” “not clear,” “violates the norm,”

“violates standards of good governance,” “board must be held accountable,” “board should resign,” “board violated its fiduciary duty,” “board violated the trust of the people,” “board wasting money,” “failure of character,” “failure to represent its constituents,” “fraudulent misappropriation of public funds,” “misled the public for political gain,” “self-serving hoodwinking of the electorate,” “self-serving dishonesty,” “unacceptable in a democracy.”

Public opinion made it clear that where a ballot question fails to provide voters with sufficient information to make an informed decision, it does so at the expense of public trust. Forming distrust between government and its citizenry hurts. What the Water District did through Measure A has severe ramifications because it creates distrust between the government agency and the people the agency is supposed to serve and protect. Going forward, Santa Clara County residents will likely question the integrity and ethical behavior of the Water District. Once the bonds of trust have been weakened, citizens are less inclined to trust the actions and decisions of this agency and more inclined to ask, “If the Water District cannot be trusted to be truthful on the ballot, how can we know them to be truthful in other matters?”

With the passage of Measure A, many residents lost confidence in the Water District. It may take a long time to regain trust from the community. While the Civil Grand Jury appreciates the desire of a government entity to advocate for itself when putting ballot measures up for a public vote, ballot questions cannot be false, misleading, or partial to one side. Based on Civil Grand Jury research and reports, too many local measures fail to meet this standard in favor of advocacy and “proponent’s bias.”

Lack of Oversight Results in Poorly Drafted Ballot Questions

Despite the number of hands that touch a proposal from inception to ballot card, the Civil Grand Jury was surprised to discover that there is no filter or oversight by an appropriate official prior to the adoption of ballot question wording. At the state level, the “Attorney General gives a true and impartial statement of the purpose of the measure in such language that the ballot title [e.g., the ballot question] and summary shall neither be an argument, nor likely to create prejudice, for or against the proposed measure” (Elec. C. §9051(c)). But the Attorney General does not have jurisdiction over *local* measures and thus does not provide the ballot question. When it comes to local measures, the Civil Grand Jury learned that there is not a similar role performed by an official, like the Attorney General, that can provide the wording for ballot questions. Rather, when the ballot question is submitted to the Santa Clara County Registrar of Voters, their review is narrowly limited to enforcement of the 75-word limit. Staff at the County Registrar of Voters manually count the number of words to ensure that the word cap has not been stretched. They do not monitor the content of the ballot question.

At the local level, the County of Santa Clara Office of the County Counsel performs legal services that are most analogous to the Attorney General's role at the state level with respect to elections. Further, County Counsel has expertise in election law and advises the County of Santa Clara Registrar of Voters. The County Counsel does not, however, have authority over cities and political subdivisions within the boundaries of the county. Therefore, when a city, school district, or special district places a local measure on the ballot, they are permitted under current law to draft the language themselves. They have every incentive to adopt wording proposed by their polling consultants, who will give weight to "feel good" words over simplicity, transparency, and impartiality. Fundamentally, the government entity's self-interest dictates the ballot question wording.

The Current Sole Remedy—Initiating a Court Challenge—Falls Short

Under current legislation, there is no realistically expedient method to challenge problematic ballot questions. When a measure is to be placed on the ballot for an upcoming election, it is subject to a 10-day public examination period during which any voter in the jurisdiction may file a lawsuit to amend the language of the measure. California Elections Code section 9295 sets forth the procedure:

During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

There are several reasons why the 10-calendar-day public examination period to object in a formal court setting does not work well:

- (1) The public tends not to hear about ballot measures until it is too late. This is due in part to a dearth of media coverage of local news, a result of the consolidation of local news outlets by media conglomerates. It is no secret that in today's news environment, local news coverage has been reduced significantly. Furthermore, ten days is a very short window to react, let alone mount a court challenge to remediate.

- (2) Ten days is much too short a time to locate an attorney well versed in the laws and processes of elections to file a lawsuit in this specialized field.
- (3) Even if an attorney can be available within the 10-day window, it is not within the means of the average person to afford the attorney fees necessary to pursue a remedy.
- (4) Voters challenging the wording in a ballot question face an uphill battle because the courts give deference and considerable latitude to the original author. Further, courts uphold the ballot measure question if it substantially complies with the requirement not to be “false, misleading, or partial to one side.” (See Bibliography, *Amador* and *McDonough* decisions.)
- (5) There is practically no recourse to fix non-conforming ballot questions after the 10-calendar day public examination period has passed. (See Bibliography, *Denny* decision.)
- (6) Even the single subject rule—a state constitutional doctrine—has been watered down by case law; hence it is no longer vigorously enforced. (See Bibliography, *Amador* and *Harbor* decisions.)

When confronted with challenges to ballot measures, the courts have stated:

- Relief under a writ of mandate may be granted "only upon clear and convincing evidence" that the challenged election material is "false or misleading or otherwise inconsistent with the provisions." (See Bibliography, *McDonough* decision.)
- The test is not whether the ballot question could be more complete. (See Bibliography, *Martinez* decision.)
- The ballot title need not be the “most accurate,” “most comprehensive,” or “fairest” that a skilled wordsmith might imagine. (See Bibliography, *Yes on 25, Citizens for an On-Time Budget* decision.)
- The courts are not free to change an accurate statement to reflect their interpretation of the common sense understanding of the language. (See Bibliography, *Yes on 25, Citizens for an On-Time Budget* decision.)
- The courts are not free to wordsmith the ballot question and change it just because they believe it could be better. (See Bibliography, *Martinez* decision.)
- The courts must give deference to the official who drafts the ballot question; “all legitimate presumptions should be indulged in favor of the propriety” of the drafter’s actions. (See Bibliography, *Becerra* decision.)

Solutions

The Civil Grand Jury has learned that the sole legal remedy currently available to right a wrong when it comes to ballot measure questions is insurmountable for the average citizen. Nonetheless, the Civil Grand Jury notes that there could be two potential mechanisms to improve the current process.

1. Task an appropriate official to review ballot measure questions

Current law requires that the individual who drafts the ballot question do so in a way that is not false, misleading, or partial to one side. In order to meet this requirement, an objective, neutral third party is needed to speak on behalf of the voting public, ideally someone who is well versed in the law, has a fiduciary duty to uphold the law, and has taken an oath to act with integrity. The Civil Grand Jury recommends that County Counsel perform this task. Further, the Civil Grand Jury recommends that the County of Santa Clara Board of Supervisors should endorse the County Counsel to act in a role, like that of the Attorney General, to provide for ballot question wording for all local measures.

What this might look like: After the governing entity ratifies the concept behind the proposed measure, as is the practice today, the entity's lawyer, whether a city attorney, school district attorney, or special district attorney, would draft a ballot question that is impartial, unbiased, and non-argumentative. The proposed ballot question would then be submitted to the County Counsel, who would be charged with overseeing the narrow task of ensuring that the wording of the question is not false, misleading, or biased in favor of one view. Most importantly, County Counsel would also be authorized to reject non-conforming or deficient wording and to compel revisions. Only when the ballot question at issue conforms to statutory requirements would County Counsel approve it for use.

2. Create an independent oversight commission to review ballot questions

It is not unusual for jurisdictions to convene independent advisory commissions to assist in county governance. The County of Santa Clara alone boasts over 75 boards and commissions, ranging from an Advisory Commission on Consumer Affairs to a Youth Task Force.

For purposes of overseeing conformity of ballot measure questions, the Civil Grand Jury recommends that the County form a Good Governance in Ballots Commission (Good Governance Commission). This advisory commission should act quickly to review and comment on ballot questions or provide recommendations to remediate questions that are false, misleading, or partial to one side. The composition of the Good Governance Commission should, at a minimum, include an attorney member of the California State Bar, either to participate as a full member or act as an ex officio member without voting privileges. Because County Counsel is the attorney to most Santa Clara County advisory boards and commissions, it could therefore be tasked to help members of this commission navigate the intricacies of California's statutory requirements.

Apart from the obvious benefits—non-partisanship and public representation—another advantage of having a single commission perform the task of reviewing ballot questions would be to maintain consistency across all governing entities. Regardless of whether a city, county, school district, or

other jurisdiction puts forth the measure, the output from a neutral, uninterested third party would probably help eliminate the rhetoric and advocacy inherent in the current practice.

To be successful, the Good Governance Commission should ideally have the ability to review and to reject language that is biased and partial. The power of rejection is crucial because it would also likely have the effect of encouraging the governing entity to self-police. It must not be merely optional for governing entities to submit their ballot questions for review. If the commission were granted mere advisory powers, then it would have very limited impact; it is reasonable to surmise that most, if not all, governing entities would choose to decline to submit their ballot questions for consideration in the interest of the time required to add a layer of review.

Unfortunately, adoption of a Good Governance Commission that has the power to reject language would require passage of a state law that would enable the County of Santa Clara to have an express grant of power to impose a requirement on other entities. This is because “[t]he board of supervisors has no inherent powers; the counties are legal subdivisions of the state, and the county board of supervisors can exercise only those powers expressly granted it by Constitution or statutes and those necessarily implied therefrom” (*Hicks v. Board of Supervisors* (1977) 69 Cal. App. 3d 228, 242). In general, absent other express authorization, one governmental entity cannot regulate another.

Put another way, charter cities operate under home rule, which means that they do not answer to the county the city is located in. For example, the County of Santa Clara Board of Supervisors does not have jurisdiction to compel the City of Gilroy, a charter city, to abide by a county ordinance. Absent some legislative authorization, the County of Santa Clara cannot impose a mandatory review process for ballot questions on other entities. For this reason, the Civil Grand Jury urges the County to pursue legislative solutions to facilitate a process by which the County Counsel would be required to review and approve local measure ballot questions before they are voted on.

Formation of a Good Governance in Ballots Commission

The Civil Grand Jury believes that having an independent oversight commission with advisory powers will improve the local electoral process. It puts pressure on governing bodies, sending the message that their ballot questions are being monitored for clarity, truthfulness, fairness, and impartiality.

The Alameda Civil Grand Jury report provides detailed instructions around the formation, structure, and operation of an oversight committee. This can be found in Appendix B of their June 2021 report. Last, but not least, another possibility is to lean on an existing Santa Clara County advisory body, the [Citizens' Advisory Commission on Elections](#), to create a subcommittee focused

on ballot question integrity and good governance. Because time is of the essence when it comes to the elections process, the subcommittee must act within the short turnaround timeframe established by state statutes and county ordinances.

There do not appear to be any advocates for transparent and neutral language. Action must be taken. Having the Office of the County Counsel review and approve ballot questions to ensure conformity to statutory requirements would be a good start. Convening a citizen-led, independent oversight Good Governance Commission is another solution.

CONCLUSION

Civil Grand Juries are charged to help government develop practical solutions to improve government operations. Poorly worded ballot questions may not be illegal, but if they withhold information to shield what is really at issue, they are unethical. There are insufficient workable checks and balances to prevent this ongoing issue from being curtailed. Not doing anything about this only adds to the distrust of government. The Civil Grand Jury recommends that elected officials be held accountable—ballot questions must be transparent and clear in order to enable today's voters to make informed decisions. The Civil Grand Jury wants governing entities to know that the public is paying attention and will not tolerate questions that are anything less than truthful, impartial, and fair. Further, ballot measure questions need to be straightforward, understandable, transparent, and honest.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Recommendation 1a

The Board of Supervisors should ask the County Counsel to review all ballot questions submitted to it pursuant to Recommendation 1b.

Recommendation 1b

Governing entities² within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Recommendation 1c

Governing entities³ within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

Recommendation 1d

The County should create an independent, citizen-led oversight commission like the recommended Good Governance in Ballots Commission as described in the “Solutions” section of this report. The Commission should be implemented by August 1, 2024.

² There are approximately 50 governing entities within Santa Clara County. The Civil Grand Jury has elected to address these recommendations to the County, cities, and a select number of special districts and school districts that have historically the most measures on the ballot for response. The Civil Grand Jury encourages all governing entities to adopt these recommendations.

³ *Id.*

Recommendation 1e

Governing entities⁴ within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Recommendation 1f

The County should, by March 31, 2023, take appropriate action to request that the state legislature consider amending current law to require the County Counsel to review and approve local ballot measure questions before they are voted on.

⁴ *Id.*

REQUIRED RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the County of Santa Clara 2022 Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
County of Santa Clara Board of Supervisors	1	1a, 1b, 1d, 1f
City of Campbell	1	1b, 1c, 1e
City of Cupertino	1	1b, 1c, 1e
City of Gilroy	1	1b, 1c, 1e
City of Los Altos	1	1b, 1c, 1e
Town of Los Altos Hills	1	1b, 1c, 1e
Town of Los Gatos	1	1b, 1c, 1e
City of Milpitas	1	1b, 1c, 1e
City of Monte Sereno	1	1b, 1c, 1e
City of Morgan Hill	1	1b, 1c, 1e
City of Mountain View	1	1b, 1c, 1e
City of Palo Alto	1	1b, 1c, 1e

Responding Agency	Findings	Recommendations
City of San Jose	1	1b, 1c, 1e
City of Santa Clara	1	1b, 1c, 1e
City of Saratoga	1	1b, 1c, 1e
City Sunnyvale	1	1b, 1c, 1e
Santa Clara Valley Water District	1	1b, 1c, 1e
Valley Transportation Authority	1	1b, 1c, 1e
El Camino Healthcare	1	1b, 1c, 1e
Foothill-DeAnza Community College District	1	1b, 1c, 1e
San Jose Unified School District	1	1b, 1c, 1e
East Side Union High School District	1	1b, 1c, 1e
Cupertino Union School District	1	1b, 1c, 1e

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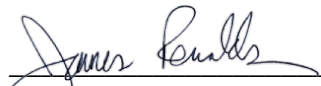
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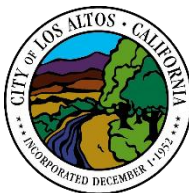
Interviews:

The Civil Grand Jury conducted interviews with ten individuals between June 28, 2022, and August 22, 2022.

This report was **ADOPTED** by the Santa Clara County 2022 Civil Grand Jury on
this 7th day of October, 2022.



Mr. James Renalds
Foreperson



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject Emergency Declaration Resolution

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabe Engeland, City Manager

Attachment(s):
 1. Resolution No. 2022-xx

Initiated by:
 Staff

Previous Council Consideration:
 March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021; October 12, 2021; November 9, 2021; December 7, 2021; January 11, 2022; February 8, 2022; March 8, 2022; April 12, 2022; May 10, 2022; June 14, 2022; July 12, 2022; August 4, 2022; August 23, 2022; September 20, 2022; October 11, 2022

Fiscal Impact:
 None; however, a local emergency declaration is a prerequisite for requesting state or federal assistance.

Environmental Review:
 Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to renew its existing declaration by adopting a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

Summary:

- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

Staff Recommendation:
 Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic

City Manager	Reviewed By:	City Attorney	Finance Director
<u>JM</u>		<u>JH</u>	<u>JD</u>



Subject: Emergency Declaration Resolution

Purpose

To adopt a resolution extending the existing declaration of emergency

Background

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. The City Council subsequently adopted resolutions monthly beginning in October 2021 continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

Discussion/Analysis

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this manner. AB 361 applies to local agencies until January 1, 2024.

Although the availability of vaccines against COVID-19 has helped to lower overall case numbers and the severity of cases, COVID-19 remains a serious health concern, particularly for those with compromised immune systems. Adoption of the proposed resolution is needed to continue the City’s Emergency Declaration.

On October 17, 2022, Governor Newsom announced that the State COVID-19 State of Emergency will end on February 28, 2023. Should the City Council determine that the City’s Emergency Declaration should end at the same time, Council will need to adopt a Resolution declaring the end of the emergency. Termination of the Emergency Declaration will mean the City will be required to fully comply with all elements of the Brown Act, including the provisions of AB 2449. In addition, the ending of the Emergency Declaration will affect the Parklet Program. Staff will be returning to Council in early 2023 regarding the permanent Parklet Program.

Recommendation

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

RESOLUTION NO. 2022-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE
COVID-19 PANDEMIC**

WHEREAS, on March 12, 2020, the Los Altos City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

WHEREAS, since October 2021, the City Council has monthly adopted resolutions extending the declaration of a local emergency; and

WHEREAS, by the beginning of November 2022, approximately 2,500 Santa Clara County residents had died of COVID-19; and

WHEREAS, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

WHEREAS, vaccines provide proven protection against COVID-19; and

WHEREAS, by the beginning of November 2022, approximately 87.5 percent of Santa Clara County residents of all ages had been vaccinated, and statewide vaccination rates were higher than the national average; and

WHEREAS, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

WHEREAS, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

WHEREAS, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against variants than against prior strains of the SARS-CoV-2 virus; and

WHEREAS, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

WHEREAS, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and

WHEREAS, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; and

WHEREAS, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Los Altos that:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency. At this If deemed appropriate the City Council may take further action.

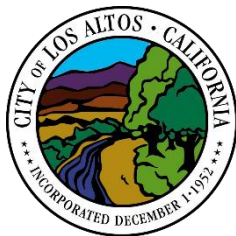
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of ____, 2022 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Anita Enander, MAYOR

Attest:

 Angel Rodriguez, INTERIM CITY CLERK



**CITY COUNCIL MEETING
MINUTES
7:00 PM - Tuesday, October 25, 2022
via Videoconference**

CALL MEETING TO ORDER

At 7:01 p.m. Mayor Enander called the meeting to order.

ESTABLISH QUORUM

PRESENT: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows and Mayor Enander

ABSENT: None

PLEDGE ALLEGIANCE TO THE FLAG

Evangeline and Adelaide Wang from Troop 60615 led the pledge of allegiance.

REPORT ON CLOSED SESSION

No closed session, nothing to report.

CHANGES TO THE ORDER OF THE AGENDA

Council Member Lee Eng asked for Item 8 to be moved into the Consent Calendar. City Attorney Houston recommended against that move to ensure public participation.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public spoke: Nadja Jackson, and Gary Hedden.

CONSENT CALENDAR

1. **Approve the City Manager or Designee to Increase appropriations:** Adopt a resolution authorizing the City Manager, or his/her designee, to increase appropriations up to and including \$100,000 for grants, donations, and reimbursements received for costs not previously budgeted (S. Niederhofer)
2. **Approve the increase of appropriations in the Solid Waste Operating Budget:** Authorize an appropriation increase in the Solid Waste Operating Budget in the amount of \$65,120 to cover the costs of four (4) compost giveaways in Fiscal Year 22/23 (A. Fairman)
3. **Approve Contract Amendment for CivicPlus LLC:** Authorize the City Manager to execute the contract amendment with CivicPlus LLC for a three (3) year extension through FY 24/25 in the amount of \$93,885.08 (J. Chew)

4. **Approve Complete Streets Master Plan:** Adopt Resolution 2022-XX of the City Council of the City of Los Altos adopting the Complete Streets Master Plan: An Active Transportation Framework after Additional Round of Revisions Following Council Feedback at Second Study Session (M. Lee)
5. **Approve FY22/23 Budget Appropriations:** Adopt a resolution to appropriate \$250,000 for budget contingencies in the general fund non-department account (2410), \$90,000 for the November 2022 election in the general fund City Clerk account (1410), and \$100,000 for equipment replacement in the equipment replacement account (00065) (S. Niederhofer)
6. **Approve Contract Amendment with Maze & Associates:** Authorize the City Manager to execute a professional services agreement extension with Maze & Associates for Auditing Services (J. Du)
7. **Minutes:** Approve Minutes of the City Council Regular Meeting of October 11, 2022. (A. Rodriguez)

Resident Roberta Philips asked for Item 4 to be pulled from the Consent Calendar.

Following a motion by Council Member Weinberg, seconded by Vice Mayor Meadows, Items 1 through 3 and 5 through 7 were approved with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

Mayor Enander indicated that Item 4 would be considered before Item 8.

CONSENT ITEM 4

The following members of the public spoke: Roberta Philips, Marc Sidel, Jeanine Valadez, Brian Jones, Pete Dailey, Toni Moos, Joe Beninato, Christine Y.

Council Member Weinberg commented in favor and moved to adopt Item 4 as presented, which received a second from Council Member Fligor.

Council engaged in discussion.

Council Member Lee Eng offered a friendly amendment to include a suggested title edit which was not accepted by Council Member Weinberg.

Council Member Lee Eng offered a subsequent motion to have an edit to the title which did not receive a second.

Item 4 was approved as presented with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander

NOES: None
 ABSENT: None
 ABSTAIN: None

PUBLIC HEARINGS - NONE

DISCUSSION ITEMS

- 8. Prop 1 Constitutional Right to Reproductive Freedom:** Provide direction on City of Los Altos position regarding Proposition 1 on the November 2022 Ballot

Interim City Clerk Rodriguez introduced the item to Council and City Attorney Houston commented about the logistics of this process and the meaning of the proposed resolutions.

Council Members Fligor and Weinberg asked clarifying questions to which City Attorney Houston responded.

The following members of the public spoke: Joe Beninato, Jeanine Valadez, Toni Moos.

Council engaged in discussion.

Mayor Enander moved, seconded by Council Member Weinberg, to adopt a resolution in support of Proposition 1 as emended and presented by Council Member Weinberg. The motion passed with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

INFORMATIONAL ITEMS ONLY

- 9. Tentative Council Calendar**

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Member Weinberg reported that he and his family attended the Los Altos Movie Night this past Saturday hosted by the Park and Recreation Department.

Council Member Fligor attended the Los Altos School Safety session and thanks Officer Cottrell and Captain Krauss for attending an evening event and answering public question.

Council Member Lee Eng attended the acquisition of county land for North County Medical that will offer services closer to residents living in the northern part of Santa Clara County.

Mayor Enander thanked Los Altos Community Foundations for their work with Compassion week events.

Assistant City Manager Jon Maginot announced that the next meeting will be held in a hybrid format and those that want to attend in person may do so in the Sequoia room at the Los Altos Community Center.

ADJOURNMENT

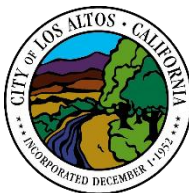
Mayor Enander adjourned the meeting at 8:17 pm

Anita Enander MAYOR

ATTEST:

Angel Rodriguez, INTERIM CITY CLERK

DRAFT



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject: Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Draft Ordinance

Initiated by:

City Council

Fiscal Impact:

There is no fiscal impact to the City for the creation of this report.

Additional costs could be incurred during the building plan check process as city specific building code regulations will require specialized review from either in-house staff or third-party consultants. Should in-house building division staff be required to facilitate additional plan check review this could necessitate additional staffing resources to conduct the plan review or provide inspection services. Staffing can only be monitored at this time; any additional resources would be needed to be evaluated during implementation of the code during 2023.

Environmental Review:

This Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Summary:

- Every three (3) years the California Building Standards Commission updates the California Building Standards Code. Each jurisdiction must adopt the updated California Building Standards prior to the effective date. The 2022 California Building Standards become effective on January 1, 2023.
- State law allows a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the modifications and changes are reasonably necessary because of local, climatic, geological, or topographical conditions. This ordinance would adopt the statewide codes and local amendments that are intended to enhance and safeguard public health, safety, and general welfare in addition to providing safety to firefighters and emergency responders during emergency operations.
- As directed by City Council on September 6, 2022, the draft ordinance readopts the existing Reach Codes that are in effect today and that are not in conflict with the new 2022 California Building Codes.

Staff Recommendation:

Introduce and Waive further reading of Ordinance No. 2022-XX to amend Title 12 Buildings and Construction of the Los Altos Municipal Code.

Purpose

Update Title 12 Buildings and Construction of the Los Altos Municipal Code and adopt the 2022 California Building Codes with added local amendments to align the City of Los Altos with codes mandated by the State of California.

Background

The 2022 California Building Standards Code, are State mandated construction codes and since 1953 have been required to be updated on a triennial cycle. These codes establish minimum building standards to protect the public welfare and provide uniformity in building law. In order to incorporate the updated version of the California Building Standards Code into the Los Altos Municipal Code, the City Council must adopt an ordinance revising Title 12 Buildings and Construction in the LAMC. Local amendments are included within the draft ordinance, and are allowed by State law, so as long as the local amendments are more restrictive than the State minimums.



Subject: Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

Discussion

California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions. The 2022 California Building Standards Code includes the: California Administration Code, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Code, California Fire Code, California Existing Building Code, California Green Building Standards Code and the California Referenced Standards Code.

The 2022 California Building Standards Code establishes construction standards to protect the public welfare and provide uniformity in building laws. State law requires updating the Building Codes every three (3) years. The updated 2022 Building Codes go into effect automatically January 1, 2023, regardless of the City taking action or not. However, an ordinance must be adopted in order to incorporate the City’s local amendments and the Santa Clara County Fire Department amendments into the Building Codes. Staff is recommending that the City Council adopt the updated California Building Standards Code including previously adopted local amendments.

The City of Los Altos contracts with the Santa Clara County Fire Department to enforce Fire Codes. The Santa Clara County Fire Department has provided their 2022 Fire Code modifications that include a variety of amendments that reflect the local rules they administer amongst the multiple jurisdictions they provide fire services to. All modifications prepared by Santa Clara County Fire Department have been incorporated into the draft ordinance.

Lastly, on September 6, 2022, the City Council accepted staff’s recommendation to readopt the existing Reach Codes to remain in effect after January 1, 2023. The local amendments included within the draft ordinance incorporates the existing Reach Code provisions that are not in conflict with the 2022 California Building Standards Code. As directed by the City Council, staff will return early next year with additional amendments to the Los Altos Municipal Code based on the recommendations of the Environmental Commission which were presented at the September 6, 2022, meeting. It is important to note that the vast majority of the draft ordinance before the City Council this evening is consistent with the standard provisions included in the 2022 California Building Codes. Local amendments to the code as it relates to Reach Codes are as follows:

- Increased EV Ready charging for Single Family Residences
- Increased EV Ready percentage requirement for Multi Family Residences
- Electric Only for New Construction Single Family Residences (no remodels included in this provision; consistent with existing Reach Codes)



Subject: Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

Recommendation/Possible Action:

1. Move to read the Ordinance by title only and waive the first reading beyond the title.

2. Introduce an Ordinance amending Title 12 Buildings and Construction of the Los Altos Municipal Code, Sections 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42 and 12.68 adopting by reference the 2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY; 2022 CALIFORNIA ENERGY CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL;

3. Set a public hearing on November 29, 2022, for adoption of the Ordinance, pursuant to California Government Code Section 50022.3.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING TITLE 12 OF THE MUNICIPAL CODE BY REPLACING
CHAPTERS 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42
AND 12.68 TO ADOPT BY REFERENCE WITH LOCAL AMENDMENTS THE
FOLLOWING:**

2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE
INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA BUILDING CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL
ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS;

2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE
INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL
OFFICIALS;

2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY
THE NATIONAL FIRE PROTECTION AGENCY;

2022 CALIFORNIA ENERGY CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA FIRE CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY
THE INTERNATIONAL CODE COUNCIL;

**TOGETHER WITH CERTAIN ADMENDMENTS, ADDITIONS, INSERTIONS,
DELETIONS AND CHANGES THERETO.**

WHEREAS, The California Building Standards Commission has published the California Building Standards Code, 2022 edition, as provided in the California Code of Regulations, Title 24, and these State mandated regulations go into effect January 1, 2023; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and;

WHEREAS, adoption of these updated versions of the California Code of Regulations, with local amendments as set forth in this ordinance, are necessary to enhance and safeguard public health, safety, general welfare and to provide safety to firefighters and emergency responders during emergency operations as required by the City’s unique climatic, geological and topographical conditions; and

WHEREAS, the City held a public hearing on _____, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on _____, __ and _____, ____ 2022; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

TITLE 12. BUILDINGS AND CONSTRUCTION

SECTION 2. AMENDMENT OF CODE: Title 12, Chapter 12.04 of the Municipal Code is hereby repealed.

SECTION 3. AMENDMENT OF CODE: Title 12, Chapter 12.04 of the Municipal Code is hereby added to read as follows:

Chapter 12.04 ADMINISTRATIVE CODE

Section 12.04.010 Adoption of the California Administrative Code.

There is hereby adopted by reference as if fully set forth herein, the 2022 California Administrative Code, contained in the California Code of Regulations, Title 24, Part 1, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

SECTION 4. AMENDMENT OF CODE: Title 12, Chapter 12.08, of the Municipal Code is hereby repealed.

SECTION 5. AMENDMENT OF CODE: Title 12, Chapter 12.08, of the Municipal Code is hereby added to read as follows:

Chapter 12.08 BUILDING CODE

Section 12.08.010 Adoption of the California Building Code.

Section 12.08.020 Amendments.

Section 12.08.030 Correction of Violations.

Section 12.08.040 Fee Refunds.

Section 12.08.010 Adoption of the California Building Code.

The 2022 California Building Code (2 volumes), contained in the California Code of Regulations, Title 24, Part 2, which incorporates and amends the International Building Code 2021 Edition, published by the California Building Standards Commission and the International Code Council, with the amendments and certain appendices as set forth in Section 12.08.020, is hereby adopted by reference as if fully set forth here. One copy of said code is on file in the office of the Building Official for use and examination by the public.

Section 12.08.020 Amendments.

The 2022 California Building Code referred to in Section 12.08.010 is adopted, together with Chapter 1 of the 2022 California Building Code, with the following amendments and certain Appendix Chapters as follows:

Chapter 1, Division II, Section 105.2 Building: #1, is deleted and replaced to read as follows, based upon the express finding of necessity set forth in Section 6.B.1 of this Ordinance.

A. Work exempt from building permits.

Building permits shall not be required for freestanding unenclosed play structures. Enclosed accessory structures used as playhouses, tool and storage sheds and similar uses that are less than 120 square feet constructed without electrical, plumbing, or mechanical features do not require building permits, but do require zoning approval to comply with local zoning regulations.

Chapter 1, Division II, Section 110.3.4 is deleted and replaced to read as follows, based upon the express findings of necessity set forth in Section 6.B.2 of this Ordinance.

B. Frame Inspection.

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Framing inspection shall be made after the following components are completed: Roof deck and/or sheathing has been inspected and approved; complete finish roofing materials are installed; the building exterior envelope has all windows and doors installed; all framing, fire-blocking, bracing, pipes, chimneys and vents to be concealed are complete; and all sub-trades including, but not limited to, building, electrical, plumbing and mechanical are roughed in and under required tests.

C. Only the following Appendix Chapters from the Building Code are adopted:

1. Appendix I, Patio Covers.
2. Appendix J, Grading.

Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:
 - a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
 - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
 - c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706.
 - d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.
2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Detached Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.

- b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
4. An approved automatic sprinkler system shall be provided throughout all existing buildings, when additions are made that exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages).
5. An approved automatic sprinkler system shall be provided throughout all new and existing basements.
6. An approved automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18
7. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.
- ¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities housing non-ambulatory clients.
- ² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).
8. The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions and/or alterations undertaken over a three-year period and/or two code cycles. The permit issuance dates of past additions and/or alterations where these regulations were in effect shall be used for determining compliance.
- a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
 - b. No waiver shall be granted from compliance with fire sprinklers.

Section 903.2.11.7 is amended to read as follows:

903.2.11.7 Chemical Fume Hood Fire Protection. Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled
2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

Section 907.8 is amended to read as follows:

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

Section 12.08.030 Correction of Violations.

The issuance or granting of a permit or approval of plans under this Title shall not prevent the administrative authority from thereafter requiring the correction of errors in such plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this Code or of any other law, or from revoking any certificate of approval when issued in error.

- A. The 2022 California Building Code referred to in Section 12.08.010 is adopted, together with Chapter 1 of the 2022 California Building Code, with the following amendments and certain Appendix Chapters as follows:

Chapter 1, Division II, Section 105.5 is deleted and replaced to read as follows, as an administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5 This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Los Altos.

Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 Months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work provided no changes have been made, or will be made, in the original plans and specifications for such work; and provided, further, that such a suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year expiration, the permittee shall be required to pay original full building permit fees.

For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed abandonment of the project.

For those projects that are residential only, the Building Official may modify expired permit fees when the owner can demonstrate that the project has received all required inspections, except for the Building Division final. The fee amount of one hundred dollars (\$100) shall be required within 10 working days of notice and the project shall achieve a final inspection within 30 days of payment received, otherwise expired permit fees as noted above shall be required.

- B. Work commencing before permit issuance. Whenever any work for which a permit is required by the California Code of Regulations as adopted in this chapter has been commenced without first obtaining said permit, the building official shall charge a minimum of two times and/or up to four times, for repeat offenders, on all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits (including, but not limited to electrical, fire, mechanical and plumbing), sign permits and demolition permits. The legal registered owner of said property shall obtain a building permit within 30 days of any violation letter or stop-work notice issued by the City of Los Altos. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the City, or the requirements of the zoning ordinance. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code. This provision shall not apply to emergency work when the administration authority determines that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the commencement of such work. In such cases, a permit shall be obtained as soon as it is practical to do so; and if there is an unreasonable delay (exceeding two working days) in obtaining such permit, a fee as provided in this section shall be charged.

Once building permits are issued pursuant to work commenced without required permits, it is the responsibility of the permit holder to obtain their first required building inspection within 30 days from permit issuance date and shall receive a project final inspection within a one-year period. Any further delays will require additional building permit fees charged again in the original amount with an additional 30-day extension. If the project continues without meeting these deadlines, Administration Citation Fees and/or other legal remedies allowed by local, or state law shall be imposed.

Failure to contact the Building Division within five business days of receiving the violation notice may result in Administration Citation Fees, Chapter 1.30 of the Los Altos Municipal Code.

Section 12.08.040 Fee Refunds.

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit fee
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paid when no work has been done under a permit issued in accordance with this code.

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

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 6. AUTHORITY AND FINDINGS.

- A. This Ordinance is enacted pursuant to and in compliance with Health and Safety Code Section 18941.5 and as expressly permitted in Government Code Section 50022.2.
- B. Express Findings as required by Health and Safety Code 18941.5(c). The City Council of the City of Los Altos hereby expressly finds that amendments to the Building Code adopted by this Ordinance and as described in section 12.08.020 are necessary for the protection of the public health, safety, and welfare, due to the local climatic, geologic, or topographical conditions.
 - 1. Section 105.2 Building: (1) exempts one story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, from obtaining building permits provided the floor area does not exceed 120 square feet. The Los Altos Municipal Code zoning regulations apply to all accessory structures, regardless of size. All accessory structures are subject to obtaining a zoning approval.
 - 2. The City of Los Altos is a combination inspection jurisdiction; once the framing inspection is approved the building may be insulated. The City of Los Altos is located in climate zone four, due to the local climatic conditions; rain is often forecasted creating ideal conditions for corrosion, moisture to conductors and mold related issues due to wet materials and insulation. Providing a finished roof in addition to installing exterior doors and windows will reduce these negative impacts.

SECTION 7. AMENDMENT OF CODE: Title 12, Chapter 12.10, of the Municipal Code is hereby repealed.

SECTION 8. AMENDMENT OF CODE: Title 12, Chapter 12.10 of the Municipal Code is hereby added to read as follows:

Chapter 12.10 RESIDENTIAL CODE

Section 12.10.010 Residential Code – Adoption of the California Residential Code.

Section 12.10.020. Amendments.

Section 12.10.030 Correction of Violations.

Section 12.10.040 Fee Refunds.

Section 12.10.010 Adoption of the California Residential Code.

The 2022 California Residential Code, contained in the California Code of Regulations, Title 24, Part 2.5, published by the California Building Standards Commission and the International Code Council, which incorporates and amends the 2021 International Residential Code 2021 Edition, is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

Section 12.10.020 Amendments.

The 2022 California Residential Code referred to in Section 12.10.10 is adopted, together with Chapter 1 of the 2022 California Residential Code, with the following amendments to read as follows:

Chapter 3 Section R301.1.3.2 is deleted and replaced to read as follows, based upon the express finding of necessity set forth in section 9.B.1. of this Ordinance.

R301.1.3.2 Wood frame structures. The building official shall require construction documents to be approved and stamped for structural compliance by a California licensed architect or engineer for all dwellings of wood frame construction more than one story in height located in Seismic Design Category D0, D1, D2, or E.

Chapter 3 Section R313.1 and Section R313.2 are deleted and replaced to read as follows, based upon the express finding of necessity set forth in section 9.B.2. of this Ordinance.

Section R313.1 is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in accordance with National Fire Protection Association’s (NFPA) Standard 13D in all new townhouses and in existing townhouses, when additions are made that increase the building area to more than the allowable Fire-Flow Appendix B, Tables B105.1(1) and B105.1(2) of the 2022 California Fire Code, and/or additions exceeding fifty (50) percent of the existing living area (existing square foot calculations shall not include existing basement) and/or additions exceeding seven hundred and fifty (750) square feet. When automatic fire sprinkler systems are required by this section, all associated attached garages shall be included. Additions over fifty (50) percent and/or seven hundred and fifty (750) square feet as referenced above, shall be treated as a new structure regarding installation of fire sprinkler systems. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions undertaken over a three-year period. The permit issuance dates of past additions where these regulations were in effect shall be used for determining compliance.

- a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
- b. No waiver shall be granted from compliance with fire sprinklers.

Section R313.2 is amended to read as follows:

R313.2 One and two-family dwellings automatic fire sprinklers systems. An automatic residential fire sprinkler system shall be installed in accordance with National Fire Protection Association’s (NFPA) Standard 13D in all new one and two-family dwellings and in existing dwellings, when additions are made that increase the building area to more than the allowable Fire-Flow Appendix Tables B105.1(1) and B105.1(2) of the 2022 California Fire Code, and/or additions exceeding fifty (50) percent of the existing living area (existing square foot calculations shall not include existing basement) and/or additions exceeding seven hundred and fifty (750) square feet. When automatic fire sprinkler systems are required by this section, all associated garages shall be included. Additions over fifty (50) percent and/or seven hundred and (750) square feet as referenced above, shall be treated as a new structure regarding installation of fire sprinkler systems. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions undertaken over a three-year period and/or two California Building Standards Code Cycles. The permit issuance date of past additions where these regulations were in effect shall be used for determining compliance.

- a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
- b. No waiver shall be granted from compliance with fire sprinklers.

Exceptions:

- 1. Detached Accessory Dwelling Unit, provided that all of the following are met:
 - 1.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - 1.2. The existing primary residence does not have automatic fire sprinklers.
 - 1.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - 1.4. The unit is on the same lot as the primary residence.
 - 1.5. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.

Chapter 6 Section R602.10.4.3.1 and Table R602.10.3 (3) footnote “i” are new sections added to read as follows, based upon the express finding of necessity set forth in section 9.B.3. of this Ordinance.

Amend Section R328.7 to read as follows:

R328.7 Fire detection. Rooms and areas within dwelling units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314. A heat detector, listed and interconnected to the smoke alarms, shall be installed in locations within dwelling units and attached garages where smoke alarms cannot be installed

based on their listing.

ESS installed in Group R-3 and townhomes shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314.
2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units, and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

Add a new subsection R602.10.4.3.1 to read as follows:

R602.10.4.3.1 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to accessory structures.

Add a new footnote “i” to the end of CRC Table R602.10.3(3), after the five footnotes (a) – (f) currently shown, to read:

g. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, and the use of Method PCP is limited to accessory structures.

C. Only the following Appendix Chapters from the California Residential Code are adopted:

1. Appendix H, Patio Covers

Section 12.10.030 Correction of Violations.

The issuance or granting of a permit or approval of plans under this Title shall not prevent the Administrative Authority from thereafter requiring the correction of errors in such plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this Code or of any other law, or from revoking any certificate of approval when issued in error.

- A. The 2022 California Residential Code referred to in Section 12.10.010 is adopted, together with Chapter 1 of the 2022 California Residential Code, with the following amendments and certain Appendix Chapters as follows:

Chapter 1, Division II, Section 105.5 is deleted and replaced to read as follows, as an administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5 This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Los Altos.

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

Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work provided no changes have been made, or will be made, in the original plans and specifications for such work; and provided, further, that such a suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year expiration, the permittee shall be required to pay original full building permit fees.

For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed abandonment of the project.

For those projects that are residential only, the Building Official may modify expired permit fees when the owner can demonstrate that the project has received all required inspections, except for the Building Division final. The fee amount of one hundred dollars (\$100) shall be required within 10 working days of notice and the project shall achieve a final inspection within 30 days of payment received, otherwise expired permit fees as noted above shall be required.

- B. Work commencing before permit issuance. Whenever any work for which a permit is required by the California Code of Regulations as adopted in this chapter has been commenced without first obtaining said permit, the building official shall charge a minimum of two times and/or up to four times, for repeat offenders, on all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits (including, but not limited to electrical, fire, mechanical and plumbing), sign permits and demolition permits. The legal registered owner of said property shall obtain a building permit within 30 days of any violation letter or stop-work notice issued by the City of Los Altos. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the city, or the requirements of the zoning ordinance. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code. This provision shall not apply to emergency work when the administration authority determines that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the commencement of such work. In such cases, a permit shall be obtained as soon as it is practical to do so; and if there is an unreasonable delay (exceeding two working days) in obtaining such permit, a fee as provided in this section shall be charged.

Once building permits are issued pursuant to work commenced without required permits; it is the responsibility of the permit holder to obtain their first required building inspection within 30 days from permit issuance date and shall receive a project final inspection within a one-year period. Any further delays will require additional building permit fees charged again in the original amount with an additional 30-day extension. If the project continues past this deadline to obtain a required building inspection, Administration Citation Fees and/or other legal remedies allowed by local, or state law shall be imposed.

Failure to contact the Building Division within five business days of receiving the violation notice may result in Administration Citation Fees, Chapter 1.30 of the Los Altos Municipal Code.

Section 12.10.040 Fee Refunds.

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

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

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 9. AUTHORITY AND FINDINGS.

- A. This Ordinance is enacted pursuant to and in compliance with Health and Safety Code Section 18941.5 and as expressly permitted in Government Code Section 50022.2.
- B. Express Findings as required by Health and Safety Code 18941.5(c). The City Council of the City of Los Altos hereby expressly finds that amendments to the California Residential Code adopted by this Ordinance and as described in section 12.10.010 are necessary for the protection of the public health, safety, and welfare, due to the local climatic, geological, or topographical conditions.
 - 1. Section R301.1.3.2. The City of Los Altos is geographically situated in Seismic Design Categories “D” and “E.” The occurrence of a major earthquake would significantly impact all structures. Therefore, mitigation measures are necessary for residential two-story buildings and above. Engineered designed buildings over one-story in height will greatly reduce extensive damage during a substantial seismic event. The City of Los Altos is adjacent to several active earthquake faults capable of producing these events.
 - 2. Section R313.1 and R313.2. The City of Los Altos experiences low humidity, high winds and warm temperatures during the summer months creating conditions which

are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Los Altos is geographically situated adjacent to active earthquake faults capable of producing substantial seismic events. Since the City of Los Altos is divided by creeks, an expressway and other substantial traffic corridors, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. In addition, fire suppression capabilities would be severely limited should the water system be extensively damaged during the seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.

- 3. Section R602.10.4.3.1 and Table R602.10.3(3) footnote “i.” The amendment addresses the problem of poor performance of gypsum wallboard and portland cement plaster as wall bracing materials in high seismic areas. The City of Los Altos is situated in a high seismic area. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.

SECTION 10. AMENDMENT OF CODE: Title 12, Chapter 12.12 of the Municipal Code is hereby repealed.

SECTION 11. AMENDMENT OF CODE: Title 12, Chapter 12.12 of the Municipal Code is hereby added to read as follows:

Chapter 12.12 PLUMBING CODE

**Section 12.12.010 Plumbing Code – Adoption of the California Plumbing Code.
Section 12.12.020 Amendments.**

Section 12.12.010 Plumbing Code – Adoption of the California Plumbing Code.

The 2022 California Plumbing Code, contained in California Code of Regulations, Title 24, Part 5, which incorporates and amends the Uniform Plumbing Code 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, with amendments and certain appendices set forth in Section 12.12.020 is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

Section 12.12.020 Amendments.

The 2022 California Plumbing Code referred to in Section 12.12.010 is adopted with the following amendments and certain Appendix Chapters as follows:

- A. Section 710.1 is deleted and replaced to read as follows, based upon the finding of express necessity set forth in Section 8.B.1 of this Ordinance.

B. Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer level.

710.1 Backflow Protection All new, replaced, or repaired building sewers, both public and private, requiring sewer connections to the City main sewer system shall be protected from backflow of sewage by installing an accessible approved type of backwater and atmospheric relief valve. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating, “backwater valve downstream”. Building sewers shall have an atmospheric relief valve installed upstream of the backwater valve outside the building in close proximity to the foundation.

Exception: Sewer repairs where there is no existing cleanout located at or near the building foundation, may have these atmospheric relief devices placed near the repair upstream of the newly installed backwater valve.

C. Chapter 12 Section 1211.8 is amended to read as follows, based upon express finding of necessity set forth in section 8.B.2 of this Ordinance.

1211.7 Earthquake-Actuated Gas Shutoff Valves Earthquake-actuated gas shutoff valves designed to automatically shut off the gas at the location of the valve in the event of a seismic disturbance and certified by the State Architect as conforming to California Code of Regulations, Title 24, Part 12, Chapter 12-16-1, shall be installed in all new buildings, and when reinstalling meters at the same location, and when relocating gas utility meters. Said gas shutoff valves shall be at or near the meter supplying gas to individual buildings.

D. Only the following Appendix Chapters from the Plumbing Code are adopted:

- 1. Appendix A, Recommended Rules for Sizing the Water Supply System.
- 2. Appendix B, Explanatory Notes on Combination Waste and Vent Systems.
- 3. Appendix D, Sizing Storm Water Drainage Systems.
- 4. Appendix H, Private Sewage Disposal Systems.
- 5. Appendix I, Installation Standard for Pex Tubing Systems for Hot and – Cold-Water Distribution.

SECTION 12. AUTHORITY AND FINDINGS.

A. This Ordinance is enacted pursuant to and in compliance with Health and Safety Code Section 18941.5 and as expressly permitted in Government Code Section 50022.2.

B. Express Findings as required by Health and Safety Code 18941.5(c). The City Council of the City of Los Altos hereby expressly finds that amendments to the Plumbing Code adopted by this Ordinance and as described in section 12.12.020 are necessary for the protection of the public health, safety, and welfare, due to the local climatic, geologic, or topographical conditions.

- 1. Section 710.1 requires that fixtures installed on a floor level lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping,

shall be protected from backflow of sewage by installing an approved backwater valve. Due to the topography of the City of Los Altos, it shall be required to install an accessible approved type of backwater and atmospheric relief valve in all new, replaced or repaired public and private building sewers.

- 2. Local Geological Conditions – The City of Los Altos is located in a highly active seismic region. The need to incorporate this modification into the code will help to assure that all new buildings and relocated gas meters for existing buildings equipped with these automatic gas shut off devices are designed to minimize fire, life and safety issues arising from damage due to an earthquake.

SECTION 13. AMENDMENT OF CODE: Title 12, Chapter 12.16, of the Municipal Code is hereby repealed.

SECTION 14. AMENDMENT OF CODE: Title 12, Chapter 12.16, of the Municipal Code is hereby added to read as follows:

Chapter 12.16 MECHANICAL CODES

Section 12.16.010 Adoption of the California Mechanical Code.

The 2022 California Mechanical Code, contained in the 2022 California Code of Regulations, Title 24, Part 4, which incorporates and amends the Uniform Mechanical Code 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

SECTION 15. AMENDMENT OF CODE: Title 12, Chapter 12.20, of the Municipal Code is hereby repealed.

SECTION 16. AMENDMENT OF CODE: Title 12, Chapter 12.20, of the Municipal Code is hereby added to read as follows:

Chapter 12.20 ELECTRICAL CODE

Section 12.20.010 Adoption of the California Electrical Code.

The 2022 California Electrical Code, contained in the 2022 California Code of Regulations, Title 24, Part 3, incorporates and amends the National Electrical Code 2020 Edition, published by the National Fire Protection Association, is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

SECTION 17. AMENDMENT OF CODE: Title 12, Chapter 12.22, of the Municipal Code is hereby repealed.

SECTION 18. AMENDMENT OF CODE: Title 12, Chapter 12.22 of the Municipal Code is hereby added to read as follows:

Chapter 12.22 ENERGY CODE

12.22.010 Adoption of the California Energy Code.

There is hereby adopted by reference as if fully set forth herein, the 2019 California Energy Code, contained in the California Code of Regulations, Title 24, Part 6, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the building official.

12.22.020 Amendments for all-electric buildings.

City of Los Altos local amendments to the 2022 California Energy Code. Upon adoption of this Code in the event that there is any conflict between local amendments and the 2022 California Energy Code the most restrictive shall prevail.

- A. Amend Section 100.1(b) of the Energy Code by adding the following definitions to read as follows:

ALL-ELECTRIC BUILDING is a building that has no natural gas or propane plumbing installed within the building.

NEWLY CONSTRUCTED BUILDING (Applicable to Chapter 12.22 Energy Code Section 12.22.020 Amendments) is a building that has never been used or occupied for any purpose and supported by 1) a new structural foundation, 2) an existing, structural foundation where a building has been demolished and removed to floor or below, or 3) a combination of 1) and 2).

PUBLIC BUILDING is a building used by the public for any purpose, such as assembly, education, entertainment, or worship.

SCIENTIFIC LABORATORY BUILDING is a building or area where research, experiments, and measurement in medical, life, and physical sciences are performed and/or stored requiring examination of fine details. The building may include workbenches, countertops, scientific instruments, and supporting offices.

Subchapter 1 Section 100.0(e)2.A. is deleted and replaced to read as follows, based on express finding of necessity set forth of this Ordinance.

- B. Amend Section 100.0(e)2.A. of the Energy Code to read as follows:

2. Newly constructed buildings.

- A. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an all-electric building as defined in Section 100.1(b).

Exception 1: Residential Single-Family Dwellings, Detached ADUs (Accessory Dwelling Units), Multifamily Dwellings with two to nine units may install non-electric (natural gas-fueled) cooking and fireplace appliances if the applicant complies with the prewiring provisions, Subsection 12.22.020B.3.

Exception 2: Non-residential Buildings containing for-profit restaurant open to the public may install gas-fueled cooking appliances. The applicant shall comply with the pre-wiring provision of Subsection 12.22.020B.3.

Exception 3: Non-residential buildings, Scientific Laboratory Buildings and Public Buildings may apply to the Building Division of the Los Altos Development Services Department for an exception to install a non-electric fueled appliance or piece of equipment. The Building Division of the Los Altos Development Services Department shall grant an exception if they find the following conditions are met:

- i. The applicant shows that there is a public or business-related need that cannot be reasonably met with an electric fueled appliance or piece of equipment.
- ii. The applicant complies with the pre-wiring provisions to the non-electric appliance or piece of equipment noted at Subsection 12.22.020B.3.

The decision of the Building Division of the Los Altos Development Services Department shall be final unless the applicant appeals the decision to the City Manager or his or her designee within 15 days of the date of the decision. The City Manager's or his or her designee's decision on the appeal shall be final.

3. Wiring to accommodate future electric appliances or equipment.

- (a) If a non-electric appliance or piece of equipment is allowed to be installed, the appliance or equipment location must also be electrically pre-wired for future electric appliance or equipment installation, including:
 - i. A dedicated circuit, phased appropriately, with a minimum amperage requirement for a comparable electric appliance with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
 - ii. Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric appliance or equipment" and be electrically isolated; and
 - iii. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range;"); and
 - iv. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

SECTION 19. AUTHORITY AND FINDINGS.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological, or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires, and floods.

The above local amendments to the 2022 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 20. AMENDMENT OF CODE: Title 12, Chapter 12.24 of the Municipal Code is hereby repealed.

SECTION 21. AMENDMENT OF CODE: Title 12, Chapter 12.24 of the Municipal Code is hereby added to read as follows:

Chapter 12.24 FIRE CODE

Section 12.24.010 Adoption of the 2022 California Fire Code

Section 12.24.015 Findings.

Section 12.24.020 Establishment and duties of the fire prevention division.

Section 12.24.030 Definitions.

Section 12.24.080 Fire Code Amendments.

Section 12.24.010 Adoption of the 2022 California Fire Code

There is hereby adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2022 California Fire Code, contained in the 2022 California Code of Regulations, Title 24, Part 9, which incorporates and amends the International Fire Code 2021 Edition, published by the International Code Council, including Appendix Chapters B, C, D and O, save and except such portions as are hereinafter deleted, modified or amended by this chapter. One copy has been filed

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for use and examination by the public in the office of the Building Official. Said codes are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect.

Section 12.24.015 Findings.

The City Council of the City of Los Altos hereby expressly finds that amendments to the California Fire Code adopted by this chapter and commencing with Section 12.24.080 are reasonably necessary for the protection of the public health, safety, and welfare, due to the local climatic, geologic, or topographical conditions specified as follows:

The City of Los Altos experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Los Altos is geographically situated adjacent to active earthquake faults capable of producing substantial seismic events. Since the City of Los Altos is divided by creeks, an expressway and other substantial traffic corridors, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. In addition, fire suppression capabilities would be severely limited should the water system be extensively damaged during the seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.

The below table provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the City of Los Altos' amendments to the 2022 Edition of the California Fire Code as reasonably necessary because of local climatic, geologic, or topographic conditions.

Admin = This amendment is necessary for administrative clarification and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Los Altos.

- I = This amendment is reasonably necessary because of climatic conditions.
- II = This amendment is reasonably necessary because of topographical conditions.
- III = This amendment is reasonably necessary because of geological conditions.

Code Section	California Fire Code Local Amendment	Findings
108.5	Final Inspection	Admin
112.4	Violation penalties	Admin
Chapter 2	Definitions	Admin
503.1	Where required	Admin
503.1.1	Buildings and facilities	Admin
503.2.1	Dimensions	Admin
503.2.4	Turning Radius	Admin

503.2.7	Grade	Admin
503.5	Required Gates or Barricades	Admin
503.6	Security Gates	Admin
504.5	Access control devices	II & III
505.1	Address identification	Admin
510.1	Emergency responder communication coverage in new buildings	Admin
510.1.1	Obstruction by new buildings	Admin
510.3	Permit required	Admin
510.4	Technical requirements	Admin
510.4.1.1	Minimum signal strength into the building	Admin
510.4.1.2	Minimum signal strength out of the building	Admin
510.5	Installation requirement	Admin
510.5.1	Approval prior to installation	Admin
510.5.3	Acceptance test procedure	Admin
603.11	Immersion Heaters	Admin
605.5	Portable unvented heaters	Admin
605.5.2.1.1	Prohibited locations	Admin
703.3	Fire-resistant penetrations and joints	Admin
901.6.2	Integrated testing	Admin
901.6.2.1	High-rise buildings	Admin
901.6.3	Records	Admin
903.2	Where required	II & III
909.20.1	Schedule	Admin
1202.1	Definitions	Admin
1207.1.5	Large-scale fire test	Admin
1207.2.2.1	Ongoing inspection and testing	Admin
1207.5.2	Maximum allowable quantities	Admin
1207.5.5	Fire suppression systems	III
1207.11.3	Location	Admin
1207.11.6	Fire detection	III
3305.5	Fire watch	Admin
3305.10	Fire Walls	II & III
3311.1.1	Fire Department Access Roadways	II & III
3312.1	Stairways required	Admin
3312.4	Required Means of Egress	II & III
3315.1	Completion before occupancy	Admin

4901.3	Where applicable	Admin
4901.4	Exemptions	Admin
4906.1.1	Hazardous vegetation and fuels mgmt..	Admin
4906.1.2	Maintenance required	Admin
4906.1.3	4906.1.3 Additional measures	Admin
4906.1.4	Exemption	Admin
4907.3	Requirements	Admin
5001.2.2.2	Health Hazards	Admin
5002.1	Definitions	Admin
5003.1.3.1	Toxic, Highly Toxic, Moderately Toxic Gases	III
5003.1.5	Health Hazards - Other	III
5003.1.6	Additional Spill Control and Secondary Containment Requirements	III
5003.2.2.1	Design and Construction	III
5003.2.2.2	Additional Regulation for Supply Piping for Health Hazard Materials	III
5003.5.2	Ventilation Ducting	III
5003.5.3	"H" Occupancies	III
5003.10.4.x.x	Elevators utilized to transport hazardous materials	Admin
5004.2.1	Spill Control for Hazardous Material Liquids	Admin
5004.2.2.2	Incompatible Materials	Admin
5402.1	Definition	Admin
5601.1.1.3	Fireworks	Admin
5704.2.7.5.8	Overfill Prevention	Admin
5704.2.7.5.9	Automatic Filling of Tanks	Admin
5704.2.9.6.1	Locations where above-ground tanks are prohibited	Admin
5706.2.4.4	Locations where above-ground tanks are prohibited	Admin
5707.3.3	Site plan	Admin
5809.3.4	Site plan	Admin
6104.2	Maximum capacity within established limits	Admin
6001.1	Scope	Admin
6004.1	General	Admin
6004.1.1	Special limitations for indoor storage and use by occupancy	Admin
6004.1.1.1	Group A, E, I or U occupancies	Admin
6004.1.1.2	Group R occupancies	Admin

6004.1.1.3	Offices, retail sales and classrooms	Admin
6004.2	Indoor storage and use	Admin
6004.2.1	Applicability	Admin
6004.2.1.4	Quantities exceeding the minimum threshold	Admin
6004.4	General indoor requirements	Admin
6004.4.1	Cylinder and tank location	Admin
6004.4.2	Ventilated areas	Admin
6004.4.3	Piping and controls	Admin
6004.4.4	Gas rooms	Admin
6004.4.5	Treatment systems	Admin
6004.4.5.1	Design	Admin
6004.4.5.2	Performance	Admin
6004.4.5.3	Sizing	Admin
6004.4.5.4	Stationary tanks	Admin
6004.4.5.5	Portable tanks and cylinders	Admin
6004.4.6	Emergency power	Admin
6004.4.6.1	Fail-safe systems	Admin
6004.4.7	Automatic fire detection system	Admin
6004.4.8	Gas detection system	Admin
6004.4.8.1	Alarms	Admin
6004.4.8.2	Shut off of gas supply	Admin
6104.2	Maximum capacity within established limits	Admin
6405.3.1	Silane distribution systems automatic shutdown	Admin

Section 12.24.020 Establishment and duties of the fire prevention division.

- a. The California Fire Code shall be enforced by the Santa Clara County Fire Department which shall be operated under the supervision of the Chief of the Fire Department.
- b. The City fire marshal shall be the chief of the fire prevention division and shall be appointed by the Chief of the Fire Department.
- c. The Chief of the Fire Department may assign members of the fire department as deputy fire marshals as shall be necessary.

Section 12.24.030 Definitions.

- a. Wherever the words "board of appeal" are used, they shall mean the City Council of the City of Los Altos, or the body appointed by the Council to pass on matters pertaining to fire safety.
- b. Wherever the words "fire prevention bureau" are used in the California Fire Code, they shall mean the fire prevention division of the fire department.
- c. Wherever the term "fire code official" is used, it shall mean the chief of the fire department.
- d. Wherever the word "jurisdiction" is used in the California Fire Code, it shall mean the City of Los Altos.

Section 12.24.080 Fire Code Amendments

The 2022 California Fire Code referred to in Section 12.24.010 is adopted with the following amendments and certain Appendix Chapters as follows:

Chapter 1 SCOPE AND ADMINISTRATION

Section 105 PERMITS

- Section 108.5 Final inspection.**
- Section 112.4 Violation penalties.**

Section 108 INSPECTIONS

Section 108.5 is added to read as follows:

Section 108.5 Final Inspection.

No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Division.

Section 112 VIOLATIONS

Section 112.4 is amended to read as follows:

Section 112.4 Violation penalties.

Violation penalties shall be in accordance with Title 1, Chapter 1.30 of the City of Los Altos Municipal Code.

Chapter 2 DEFINITIONS

Chapter 2 of the 2022 California Fire Code and 2021 International Fire Code is amended to include the following definitions:

CORROSIVE LIQUID. Corrosive liquid is:

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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.

LARGE-SCALE FIRE TESTING. Testing a representative energy storage system that induces a significant fire into the device under test and evaluates whether the fire will spread to adjacent energy storage system units, surrounding equipment, or through an adjacent fire-resistance-rated barrier.

MODERATELY TOXIC GAS. 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.

HEALTH HAZARD – OTHER. 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).

SPILL CONTROL. 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.

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.

WORKSTATION. A defined space or an independent principal piece of equipment using flammable or unstable (Class 3 or 4 as ranked by NFPA 704) hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices and other processing and scientific equipment.

Chapter 5 FIRE SERVICE FEATURES

Section 503 FIRE APPARATUS ACCESS ROADS

- Section 503.1 Where required.**
- Section 503.1.1 Buildings and facilities.**
- Section 503.2.1 Dimensions.**
- Section 503.2.4 Turning Radius**

Section 503.2.7 Grade
Section 503.5 Required Gates or Barricades
Section 503.6 Security Gates

Section 503.1 is amended to read as follows:

Section 503.1 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.

Section 503.1.1 is amended to read as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements for this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. In other than R-3 or U occupancies, when the building is equipped throughout with an approved automatic sprinkler system, installed in accordance with Section 903.3.1.1 the dimension may be increased to a maximum of 300 feet when approved by the fire code official.
2. When there are not more than two Group R-3 or accessory Group U occupancies, the dimension may be increased to a maximum of 200 feet.
3. When apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection shall be provided.

Section 503.2.1 is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) for engines, and 26 feet (7925 mm) for aerial fire apparatus exclusive of shoulders, except for approved gates or barricades in accordance with Sections 503.5.1 and 503.6. and the unobstructed vertical clearance shall be a minimum of 13 feet 6 inches (4115 mm), or as determined by the fire code official.

Exception: When there are not more than two Group R, Division 3, or Group U parcels, the access road width may be modified by the fire code official.

Section 503.2.4 is amended to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 30 feet (9144 mm) inside, and a minimum of 50 feet (15240 mm) outside.

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Section 503.5 is amended to read as follows:

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails, or other accessways, not including the public streets, alleys, or highways. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

Section 503.6 is amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings.

Section 504 ACCESS TO BUILDINGS AND ROOFS

Section 504.5 is added to read as follows:

Section 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 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.

Access control devices shall also comply with Chapter 10 Means of Egress.

Section 505 PREMISES IDENTIFICATION

Section 505.1 is amended to read as follows:

505.1 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 not less than 6 inches (153 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where 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 cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Address identification shall be maintained.

The following is a guideline for adequate address number dimensions:

- a. The number posted up to 49 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a half (1/2) inch stroke.
- b. The number posted from 50 to 100 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a one (1) inch stroke.
- c. The number posted over 100 to 199 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (10) inches high with a one and a half (1 1/2) inch stroke.
- d. The number posted over 200 to 299 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (18) inches high with a one and a half (2) inch stroke.
- e. The number posted over 300 to 400 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (24) inches high with a one and a half (2 1/2) inch stroke.

Section 510 EMERGENCY RESPONDER COMMUNICATION COVERAGE

Section 510.1 is amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. Approved radio coverage for emergency responders shall be provided within all buildings meeting any one of the following conditions:

- 1. There are more than 3 stories above grade plane (as defined by the California Building Code Section 202);
- 2. The total building area is 30,000 square feet or more;
- 3. The total basement area is 5,000 square feet or more;
- 4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1

Exceptions:

- 1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
- 2. Where it is determined by the fire code official that the radio coverage system is not needed.
- 3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
- 4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this code and with the applicable provisions of NFPA 1221, Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Section 510.1.1 is amended to read as follows:

510.1.1 Obstruction by new buildings. No obstruction of the public safety system backhaul shall be allowed without an approved mitigating plan.

Section 510.3 is amended to read as follows:

510.3 Permit required. A construction permit, for the installation of, or modification of, emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A frequency change made to an existing system is considered to be new construction and will require a construction permit

Section 510.4 is amended to read as follows:

510.4 Technical requirements. Systems, components, and equipment required to provide the emergency responder radio coverage system shall comply with the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Section 510.4.1.1 is amended to read as follows:

510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology.

Section 510.4.1.2 is amended to read as follows:

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent SINR applicable to the technology.

Section 510.5 is amended to read as follows:

510.5 Installation requirement. The installation of the emergency responder radio coverage system shall be in accordance with NFPA 1221 and the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Section 510.5.1 is amended to read as follows:

510.5.2 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the fire code official and the agency FCC license holder or systems administrator.

The first paragraph of Section 510.5.3 is amended to read as follows:

510.5.3 Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with agency FCC license holder, systems administrators, or designee.

Chapter 6 BUILDING SERVICES AND SYSTEMS

Section 603 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

Add Section 603.11 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.

Section 605 FUEL-FIRED APPLIANCES

Section 605 is amended to read as follows:

605.5 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities. Portable unvented fuel-fired heating equipment shall be prohibited in the public rights-of-way.

Exceptions:

1. Portable unvented fuel-fired heaters listed in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer’s instructions.
2. Portable outdoor gas-fired heating appliances in accordance with Section 605.5.2.

Section 605.5.2.1.1 is amended to read as follows and the exception in the Section is deleted:

605.5.2.1.1 Prohibited 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

Chapter 7 FIRE AND SMOKE PROTECTION FEATURES

Section 703 PENETRATIONS

Section 703.3 is amended to read as follows:

703.3 Fire-resistant penetrations and joints. In high-rise buildings, in buildings assigned to Risk Category III or IV, or in fire areas containing Group R occupancies with an occupant load greater than 100, and other occupancies as determined necessary special inspections for through-penetrations, membrane penetration firestops, fire resistant joint systems and perimeter fire containment systems that are tested and listed in accordance with CBC Sections 714.4.1.2, 714.5.1.2, 715.3.1 and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

Chapter 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Section 901 GENERAL

Section 901.6.2 is amended as follows:

901.6.2 Integrated testing. Where two or more fire protection or life safety systems are interconnected, the intended response of subordinate fire protection and life safety systems shall be verified when required testing of the initiating system is conducted. In addition, integrated testing shall be performed in accordance with Sections 901.6.2.1 and 901.6.2.2.

901.6.2.1 High-rise buildings. For high-rise buildings, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

901.6.2.2 Smoke control systems. Where a fire alarm system is integrated with a smoke control system as outlined in Section 909, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

Section 901.6.3 is amended to read as follows:

901.6.3 Records. Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. See 907.7 & 907.8 for fire alarm system inspection, testing and maintenance documentation requirements.

Section 903 AUTOMATIC SPRINKLER SYSTEMS

Section 903.2 Where required.

Section 903.2.18 Group U private garages and carports accessory to Group R-3 occupancies.

Section 903.2 is amended to read as follows:

Section 903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:
 - a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
 - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
 - c. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.
 - d. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706.
2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Detached Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.

- b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
 4. An approved automatic sprinkler system shall be provided throughout all existing buildings, when additions are made that exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas).
 5. An approved automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.
 6. An approved automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.
 7. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.
 - ¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities housing non-ambulatory clients.
 - ² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).
 8. The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions and/or alterations undertaken over a three-year period and/or two code cycles. The permit issuance dates of past additions and/or alterations where these regulations were in effect shall be used for determining compliance.
 - a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
 - b. No waiver shall be granted from compliance with fire sprinklers.

Section 903.2.11.7 is added as follows:

903.2.11.7 Chemical Fume Hood Fire Protection. Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

- 3. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled.
- 4. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Section 907.8 is amended as follows:

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. *Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.*

Section 909 SMOKE CONTROL SYSTEMS

Section 909.20.1 Schedule

Section 909.20.1 is amended to read as follows:

909.20.1 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 operational testing shall occur at least annually.

Chapter 12 ENERGY SYSTEMS

SECTION 1202 DEFINITIONS

Section 1202.1 is amended as follows:

1202.1 Definitions. The following terms are defined in Chapter 2:

- BATTERY SYSTEM, STATIONARY STORAGE.
- BATTERY TYPES.
- CAPACITOR ENERGY STORAGE SYSTEM.
- CRITICAL CIRCUIT.
- EMERGENCY POWER SYSTEM.
- ENERGY STORAGE MANAGEMENT SYSTEMS.
- ENERGY STORAGE SYSTEM (ESS).
- ENERGY STORAGE SYSTEM, ELECTROCHEMICAL.
- ENERGY STORAGE SYSTEM, MOBILE.
- ENERGY STORAGE SYSTEM, WALK-IN UNIT.

ENERGY STORAGE SYSTEM CABINET.
ENERGY STORAGE SYSTEM COMMISSIONING.
ENERGY STORAGE SYSTEM DECOMMISSIONING.
FUEL CELL POWER SYSTEM, STATIONARY.
LARGE-SCALE FIRE TESTING
PORTABLE GENERATOR.
STANDBY POWER SYSTEM.

SECTION 1207 ELECTRICAL ENERGY STORAGE SYSTEMS (ESS)

Section 1207.1.5 is amended as follows:

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.

Section 1207.2.2.1 is amended as follows:

1207.2.2.1 Ongoing inspection and testing. Systems that monitor and protect the ESS installation shall be inspected and tested in accordance with the manufacturer’s instructions and the operation and maintenance manual. Inspection and testing records shall be maintained in the operation and maintenance manual and made available to the fire code official upon request.

Section 1207.5.2 is amended as follows:

1207.5.2 Maximum allowable quantities. Fire areas within rooms, areas and walk-in units containing electrochemical ESS shall not exceed the maximum allowable quantities in Table 1207.5. The allowable number of fire areas, maximum allowable quantity, and fire-resistance rating of fire-barriers shall comply with Table 1207.5.1.

Exceptions: Where approved by the fire code official, rooms, areas and walk-in units containing electrochemical ESS that exceed the amounts in Table 1207.5 shall be permitted based on a hazardous mitigation analysis in accordance with Section 1207.1.4 and large-scale fire testing complying with Section 1207.1.5.

1. Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76.
2. Dedicated-use buildings in compliance with Section 1207.7.1.

TABLE 1207.5.1			
DESIGN AND NUMBER OF ESS FIRE AREAS			
STORY	PERCENTAGE	NUMBER	FIRE-

		OF MAXIMUM ALLOWABLE QUANTITY OF FIRE AREA	OF FIRE AREAS PER STORY	RESISTANCE RATING FOR FIRE BARRIER IN HOURS
Above grade plan	Higher than 9	25	1	3
	7-9	50	2	2
	6	50	2	2
	5	50	2	2
	4	75	4	2
	3	100	6	2
	2	100	6	2
1	100	6	2	
Below grade plan	1	100	4	3
	2	50	2	3
	Lower than 2	Not Allowed	Not Allowed	Not Allowed

Section 1207.5.5 is amended as follows:

1207.5.5 Fire suppression systems. Rooms and areas within buildings and walk-in units containing electrochemical ESS shall be protected by an automatic fire suppression system designed and installed in accordance with one of the following:

1. An automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a minimum density of 0.3 gpm/ft² (1.14 L/min) based on the fire area or 2,500 square-foot (232 m²) design area, whichever is larger.
2. Where approved, an automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a sprinkler hazard classification based on large-scale fire testing complying with Section 1207.1.5.
3. The following alternative automatic fire-extinguishing systems designed and installed in accordance with Section 904, provided that the installation is approved by the fire code official based on large-scale fire testing complying with Section 1207.1.5:
 - 3.1. NFPA 12, *Standard on Carbon Dioxide Extinguishing Systems.*
 - 3.2. NFPA 15, *Standard for Water Spray Fixed Systems for Fire Protection.*
 - 3.3. NFPA 750, *Standard on Water Mist Fire Protection Systems.*
 - 3.4. NFPA 2001, *Standard on Clean Agent Fire-Extinguishing Systems.*
 - 3.5. NFPA 2010, *Standard for Fixed Aerosol Fire-Extinguishing Systems.*

Exception: Fire suppression systems for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that operate at less than 50 VAC and 60 VDC shall be provided where required by NFPA 76.

Section 1207.11.3 is amended as follows:

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 or on the exterior side of the exterior walls not less than 3 feet (914 mm) from

doors and windows directly entering the dwelling unit and not 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.

Section 1207.11.6 is amended as follows:

1207.11.6 Fire detection. ESS installed in Group R-3 and R-4 occupancies shall comply with the following:

- 1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section 907.2.11.
- 2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units, and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

- 1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
- 2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Section 3305 PRECAUTIONS AGAINST FIRE

Section 3305.5 is amended to read as follows:

3305.5 Fire watch. Where required by the fire code official or the site safety plan established in accordance with Section 3303.1, a fire watch shall be provided for building demolition and for building construction. Fire watch is not intended to facilitate occupancy during ongoing construction in a new building.

Section 3305.10 is amended to read as follows:

Section 3305.10 Fire Walls.

When firewalls are required in combustible construction, 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).

Section 3311 ACCESS FOR FIRE FIGHTING

Ordinance No. 2022-

Add Section 3311.1.1 to read:

3311.1.1 Fire Department Access Roadways: All construction sites shall be accessible by fire department apparatus by means of roadways having an all-weather driving service of not less than 20ft. of unobstructed width. The roads shall have the ability to withstand the live loads of fire apparatus and have a minimum 13ft. 6 in. of vertical clearance. Dead end fire access roads in excess of 150 ft. in length shall be provided with approved turnarounds.

When approved by the Fire Code Official, temporary access roadways may be utilized until such time that the permanent roadways are installed. As a minimum, the roadway shall consist of a compacted subbase and six (6) inches of road base material (Class 2 aggregate base rock) both compacted to a minimum 95% and sealed. The perimeter edges of the roadway shall be contained and delineated by curb and gutter or other approved method. The use of geotextile reinforcing fabric underlayment or soils lime-treatment may be required if so, determined by the project civil engineer. Provisions for surface drainage shall also be provided where necessary. The integrity of the roadway shall be maintained at all times.

Section 3312 MEANS OF EGRESS

Section 3312.1 Stairways Required.

Section 3312.4 Required Means of Egress.

Section 3312.1 is amended to read as follows:

Section 3312.1 Stairways Required.

Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and 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.).

Section 3312.4 is added to read as follows:

Section 3312.4 Required Means of Egress.

All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in written fire safety plan as required by Section 3303.1.

Section 3315 AUTOMATIC FIRE SPRINKLER SYSTEM

Section 3315.1 is amended as follows:

Ordinance No. 2022-

3315.1 Completion before occupancy. In buildings where an automatic sprinkler system is required by this code or the California Building Code, it shall be unlawful to occupy any portion of a building or structure until the automatic sprinkler system installation has been tested and approved.

In new buildings of combustible construction where, automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon as possible. Immediately upon the completion of sprinkler pipe installation on each floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is completed. For system activation notification, an exterior audible waterflow alarm shall bell can be installed and connected to the sprinkler waterflow device prior to installation of the monitoring system.

For buildings equipped with fire sprinkler systems that are undergoing alterations, the sprinkler system(s) shall remain in service at all times except when system modifications are necessary. Fire sprinkler systems undergoing modifications shall be returned to service at the end of each workday unless otherwise approved by the fire department. The General contractor or his/her designee shall check the sprinkler control valve(s) at the end of each workday to confirm that the system has been restored to service.

Chapter 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Chapter 49 of the 2022 California Fire Code is amended as follows:

Section 4901 GENERAL

Section 4901.3 is added as follows:

4901.3 Where applicable. These requirements shall apply to all areas within the City of Los Altos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this Chapter. The map properly attested, shall be on file in the Office of the City of Los Altos.

Section 4901.3 is added as follows:

4901.4 Exemptions. These requirements shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

1. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
2. Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
3. Open space lands that are environmentally sensitive parklands.

- 4. Other lands having scenic values, as declared by the local agency, or by state or federal law.

Section 4906 VEGETATION MANAGEMENT

Section 4906.1.1 is added as follows:

4906.1.1 Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.

Section 4906.1.2 is added as follows:

4906.1.2 Maintenance required. Maintenance is required to ensure conformance with these standards and measures, and to assure continued availability, access, and utilization, of the defensible space during a wildfire.

Section 4906.1.3 is added as follows:

4906.1.3 Additional measures. No person subject to these regulations shall permit any fire hazard, as defined in this chapter, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Section 4906.1.4 is added as follows:

4906.1.4 Exemption. For the purposes of this chapter, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property.

Section 4907 DEFENSIBLE SPACE

Section 4907.3 is amended as follows:

4907.3 Requirements. Hazardous vegetation and fuels around all buildings, roads, driveways, and structures shall be maintained in accordance with the following laws and regulations:

- 1. Public Resources Code, Sections 4291 through 4296.
- 2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
- 3. California Government Code, Sections 51175 - 51189.
- 4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
- 5. Any local ordinance of the City of Los Altos.

Chapter 50. HAZARDOUS MATERIALS-GENERAL PROVISIONS

Chapter 50 of the 2022 California Fire Code and 2021 International Fire Code are amended as follows:

Ordinance No. 2022-

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Section 5001 GENERAL

Section 5001.2.2.2 is amended 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 and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Health hazards - Other.

Section 5002 DEFINITIONS

Amend Section 5002.1 to read:

5002.1 Definitions. The following terms are defined in Chapter 2:

- BOILING POINT.
- CEILING LIMIT.
- CHEMICAL.
- CHEMICAL NAME.
- CLOSED CONTAINER.
- CONTAINER.
- CONTROL AREA.
- CYLINDER.
- DAY BOX.
- DEFLAGRATION.
- DESIGN PRESSURE.
- DETACHED BUILDING.
- DISPENSING.
- EXCESS FLOW CONTROL.
- EXHAUSTED ENCLOSURE.
- EXPLOSION.
- FLAMMABLE VAPORS OR FUMES.
- GAS CABINET.
- GAS ROOM.
- HANDLING.
- HAZARDOUS MATERIALS.
- HEALTH HAZARD.
- HEALTH HAZARD – OTHER.
- IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH).
- INCOMPATIBLE MATERIALS.
- LIQUID.
- LOWER EXPLOSIVE LIMIT (LEL).
- LOWER FLAMMABLE LIMIT (LFL).

MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA.
 MODERATELY TOXIC GAS.
 NORMAL TEMPERATURE AND PRESSURE (NTP).
 OUTDOOR CONTROL AREA.
 PERMISSIBLE EXPOSURE LIMIT (PEL).
 PESTICIDE.
 PHYSICAL HAZARD.
 PRESSURE VESSEL.
 SAFETY CAN.
 SAFETY DATA SHEET (SDS).
 SECONDARY CONTAINMENT.
 SEGREGATED.
 SOLID.
 SPILL CONTROL.
 STORAGE, HAZARDOUS MATERIALS.
 SYSTEM.
 TANK, ATMOSPHERIC.
 TANK, PORTABLE.
 TANK, STATIONARY.
 TANK VEHICLE.
 UNAUTHORIZED DISCHARGE.
 USE (MATERIAL).
 VAPOR PRESSURE.

Section 5003 GENERAL REQUIREMENTS

Section 5003.1.3.1 is added 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 6004.2.1.4 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.

Section 5003.1.5 is added as follows:

5003.1.5 Health Hazards - Other. 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 Section 5003.

Section 5003.1.6 is added as follows:

5003.1.6 Additional Spill Control and 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.

Section 5003.2.2.1 is amended 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 that are 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:
 - 3.1. The point of use.
 - 3.2. The tank, cylinder, or bulk source.
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 where 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 4
 - 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 or 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:

1. Piping for inlet connections designed to prevent backflow.
 2. 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 Table 6004.2.1.4. Secondary containment includes but is not limited to double-walled piping.

Exceptions:

 1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
 2. 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.

Section 5003.2.2.2 is amended as follows:

5003.2.2.2 Additional Regulation 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 NFPA 704 shall be in accordance with ASME B31.3 and the following:

- 8.1. Piping and tubing utilized for the transmission of highly toxic, toxic, or highly volatile corrosive liquids and gases shall have welded, or brazed connections threaded or flanged connections throughout except for connections within an exhausted ventilated 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.
- 8.2. 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.
- 8.3. 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.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed spaces above other occupancies where installed in accordance with Section 415.11.7.4 of the *California Building Code* for Group H-5 occupancies.

Section 5003.5.2 is added 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.

Section 5003.5.3 is added 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.

Section 5003.10.4 is amended 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 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 Toxic, moderately toxic, and highly toxic gases shall be limited to a container of a maximum water capacity of 1 pound.

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.

Section 5004 STORAGE

Section 5004.2.1 is amended 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
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.

Section 5004.2.2.2 is amended as follows:

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

Chapter 54 CORROSIVE MATERIALS

Chapter 54 of the 2022 California Fire Code is adopted with the following amendments:

Section 5402 DEFINITION

Section 5402.1 is amended as follows:

5402.1 Definition. The following term is defined in Chapter 2:

CORROSIVE.
CORROSIVE LIQUIDS.

Chapter 56 EXPLOSIVES AND FIRWORKS

Section 5601 GENERAL

Section 5601.1.3 Fireworks.

Section 5601.1.1.3 is added to read as follows:

Section 5601.1.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions: The use of fireworks for firework displays as allowed in Section 5608.

Chapter 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section 5704 STORAGE

Section 5704.2.7.5.8 Overfill Prevention.

Section 5704.2.7.5.9 Automatic Filling of Tanks.

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited

Section 5706.2.4.4 Locations where above-ground tanks are prohibited.

Section 5707.3.3 Site Plan

Section 5704.2.7.5.8 is amended to read as follows and the exception in the Section is deleted:

Section 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 the 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.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).

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.

Section 5704.2.7.5.9 is added to read as follows:

Section 5704.2.7.5.9 Automatic Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, 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.

Section 5704.2.9.6.1 is amended to read as follows:

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5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as all locations of the City of Los Altos that are residential or congested commercial areas as determined by the fire code official.

Section 5706.2.4.4 is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited

In all locations of the City of Los Altos which are residential or congested commercial areas as determined by the fire code official.

Section 5707.3.3 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 or 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 and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

Chapter 58 FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS.

Section 5806.2 Limitations

Section 5809.3.4 Site Plan

Section 5809.3.4 is amended to read as follows:

5809.3.4 Site plan. For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate, all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.

Chapter 60 HIGHLY TOXIC AND TOXIC MATERIALS

Chapter 60 of the 2022 California Fire Code and 2021 International Code is amended as follows:

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Section 6001 GENERAL

Section 6001.1 is amended as follows:

6001.1 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 5003.11.
- 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 US Environmental Protection Agency to be utilized in and around the home, garden, pool, spa, and patio.

Section 6004 HIGHLY TOXIC AND TOXIC COMPRESSED GASES

Section 6004.1 is amended as follows:

6004.1 General. 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.

Section 6004.2 is amended 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.

Section 6004.2.1 is amended as follows:

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.

Section 6004.2.1.4 is amended as follows:

6004.2.1.4 Quantities exceeding the minimum threshold quantities but not exceeding the maximum allowable quantities per control area. 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

Add Table 6004.2.1.4 as follows:

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

Section 6004.4 is amended 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.

Exceptions:

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 the following controls are provided:
 - 1.1 Valve outlets are equipped with gas- tight outlet plugs or caps.
 - 1.2 Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3 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.

- 2. 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 the following controls are provided:

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

Chapter 61 LIQUEFIED PETROLEUM GASES

Section 6104.2 is amended to read as follows:

6104.2 Maximum capacity within established limits. Within The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as all locations of the City of Los Altos that are residential or congested commercial areas as determined by the fire code official.

Exception: LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case-by-case basis.

Chapter 64 PYROPHORIC MATERIALS

Chapter 64 of the 2022 California Fire Code and 2021 International Code is amended as follows:

Section 6405 USE

Section 6405.3.1 is amended to read:

6405.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

Chapter 80 REFERENCE STANDARD

NFPA

Add the following reference standard to read:

Ordinance No. 2022-

855 – 20: Standard for the Installation of Stationary Energy Storage Systems

Appendix B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

Appendix B of the 2022 California Fire Code and 2021 International Code is amended as follows:

Section B105 FIRE=FLOW REQUIRES FOR BUILDINGS

Section B105.2 is amended as follows:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(2) and B105.2.

Exceptions: [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1. California State Parks buildings of an accessory nature (restrooms).
2. Safety roadside rest areas (SRRA), public restrooms.
3. Truck inspection facilities (TIF), CHP office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

The maximum fire flow reduction for all commercial buildings greater than 30,000 square feet and residential podium buildings shall not exceed 25 percent of the fire flow specified in Table B105.1(2). The maximum fire flow reduction for all other buildings shall not exceed 50 percent of the fire flow specified in Table B105.1(2).

Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Appendix C of the 2022 California Fire Code and 2021 International Code is amended as follows:

Section C102 NUMBER OF FIRE HYDRANTS

Section C102.1 is amended to read:

C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1, utilizing the base fire flow without fire sprinkler reduction.

Appendix D FIRE APPARATUS ACCESS ROADS

Appendix D of the 2022 California Fire Code and 2021 International Code is amended as follows:

Section D103 MINIMUM SPECIFICATION

Section D103.1 is deleted:

D103.1 Access Road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

Section D103.2 is amended as follows:

D103.2 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Section D103.3 is amended as follows:

D103.3 Turning radius. The required turning radius of a fire apparatus access roads shall be a minimum of 30 feet inside, and a minimum of 50 feet outside.

Section D103.4 is amended as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads and/or driveways in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 the Santa Clara County Fire Department apparatus access and turnaround standards, as approved by the fire code official.

Section D103.6 is amended as follows:

D103.6 Signs. Where required by the Fire Code Official, fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code and the Santa Clara County Fire Department A-6 Standard. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

SECTION 22. AMENDMENT OF CODE: Title 12, Chapter 12.26 of the Municipal Code is hereby repealed.

SECTION 23. AMENDMENT OF CODE: Title 12, Chapter 12.26 of the Municipal Code is hereby added to read as follows:

Chapter 12.26 CALIFORNIA GREEN BUILDING STANDARDS CODE

City of Los Altos local amendments to the 2022 California Green Building Standards Code. Upon adoption of this Code in the event that there is any conflict between local amendments and the 2022 California Green Building Standards Code the most restrictive shall prevail.

**Section 12.26.010 Adoption of the California Green Building Standards Code
Section 12.26.020 Amendments, Additions or Deletions**

Section 12.26.010 Adoption of the California Green Building Standards Code

There is hereby adopted by reference as if fully set forth herein, the 2022 California Green Building Standards Code, contained in the California Code of Regulations, Title 24, Part 11, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

Section 12.26.020 Amendments, Additions or Deletions

The 2022 California Green Building Standards Code referred to in Section 12.26.010 is adopted, together with Chapters 1 Administration, 4 Residential Mandatory Measures, and 5 Nonresidential Mandatory Measures, of the 2022 California Green Building Standards Code, with the following amendments as follows:

Chapter 1 Section 102.4 Scope and Mandatory Compliance is hereby added to read as follows.

Section 102.4 Scope and Mandatory Compliance

- A. This code contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified in the appropriate chapters contained in this code. Compliance measures and methods shall be by one of the following measures approved by the Building Official.

The means by which compliance measures are achieved shall be mandatory measures with appendix sections voluntarily applied, building division mandatory check list, whole house Build it Green GreenPoint check list, LEED, other recognized point systems, Title 24 Part 6 Energy Efficiency Standards, or equivalent approved methods. Green Building Compliance measures in addition to checklists shall be incorporated into the project drawings approved by the Building Official prior to building permit submittal.

Prior to issuance of a building permit, the owner or responsible Registered Design Professional acting as the owner’s agent shall employ and/or retain a Qualified Green Building Professional to the satisfaction of the Building Official, and prior to final inspection shall submit verification that the project is in compliance with this ordinance.

Chapter 4 Section 4.106.4.1 Electric vehicle (EV) charging for new construction thru 4.106.4.2.2 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance.

Section 4.106.4.1 and 4.106.4.2.1 and 4.106.4.2.2 are amended to read as follows:

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages.

For each dwelling unit, install at least one Level 2 EV Ready Space in the garage. If multiple (two or more) garage parking spaces are provided for a dwelling unit, install at least two Level 2 EV Ready Spaces.

4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **EV Capable.** Twenty-five (25) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Energy Code.

Exceptions:

1. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than the required number of EV capable spaces.
2. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

The following requirements apply to all multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms:

1. Calculations for the required minimum number of Level 2 EVSE spaces shall be rounded up to the nearest whole number.
2. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least one Level 2 EV Ready Space.

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units; and hotels and motels with 20 or more sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

2. **EV Capable.** Twenty-five (25) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Energy Code.

Exceptions:

3. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than

the required number of EV capable spaces.

- 4. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

The following requirements apply to all multifamily development projects with 20 or more dwelling units; and hotels and motels with 20 or more sleeping units or guest rooms:

- 3. Calculations for the required minimum number of Level 2 EVSE spaces shall be rounded up to the nearest whole number.
- 4. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least one Level 2 EV Ready Space.

Chapter 5 Section 5.106.5.3 Electric vehicle (EV) charging thru 5.106.5.3.5 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance

Section 5.106.5.3 thru 5.106.5.3.5 are amended to read as follows:

5.106.5.3 Electric vehicle (EV) charging. [N] New construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the California building Code and the California Electrical Code.

Exceptions:

- 1. Where there is no local utility power supply.
- 2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

5.106.5.3.1 Office and Institutional buildings. In nonresidential new construction buildings designated primarily for office use and institutional buildings, with parking:

- 1. When 10 or more parking spaces are constructed, 50% of the available parking spaces on site shall be equipped with Level 2 EVSE;
- 2. An additional 20% shall be provided with at least Level 1 EV Ready Spaces; and
- 3. An additional 30% shall be at least Level 2 EV Capable.

Calculations for the required minimum number of spaces equipped with Level 2 EVSE, Level 1 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1” and sufficient for installation of EVSE at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

5.106.5.3.2 Other nonresidential buildings. In nonresidential new construction buildings that are not designated primarily for office use, such as those for retail uses:

1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVSE;
2. An additional 5% shall be at least Level 1 EV Ready.

Calculations for the required minimum number of spaces equipped with Level 2 EVSE and Level 1 EV Ready spaces shall be rounded up to the nearest whole number

SECTION 24. AUTHORITY AND FINDINGS.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological, or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires, and floods.

The above local amendments to the 2022 California Green Building Standards Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

Increased Electric Vehicle Infrastructure integrated into building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 25. AMENDMENT OF CODE: Title 12, Chapter 12.30 of the Municipal Code is hereby repealed.

SECTION 26. AMENDMENT OF CODE: Title 12, Chapter 12.30 of the Municipal Code is hereby added to read as follows:

Chapter 12.30 CALIFORNIA EXISTING BUILDING CODE

Section 12.30.10 Adoption of the California Existing Building Code.

There is hereby adopted by reference as if fully set forth herein, the 2022 California Existing Building Code, contained in the California Code of Regulations, Title 24, Part 10, and also the International Existing Building Code 2021 Edition, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

SECTION 27. AMENDMENT OF CODE: Title 12, Chapter 12.32 of the Municipal Code is hereby repealed.

SECTION 28. AMENDMENT OF CODE: Title 12, Chapter 12.32 of the Municipal Code is hereby replaced to read as follows:

Chapter 12:32 CALIFORNIA HISTORICAL BUILDING CODE

Section 12.32.10 Adoption of the California Historical Building Code.

There is hereby adopted by reference as if fully set forth herein, the 2022 California Historical Building Code, contained in the California Code of Regulations, Title 24, Part 8, published by the International Code Council, is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

SECTION 29. AMENDMENT OF CODE: Title 12, Chapter 12.42 of the Municipal Code is hereby repealed.

SECTION 30. AMENDMENT OF CODE: Title 12, Chapter 12.42 of the Municipal Code is hereby added to read as follows:

Chapter 12.42 CALIFORNIA REFERENCED STANDARDS CODE

Section 12.42.10 Adoption of the California Referenced Standards Code.

There is hereby adopted by reference as if fully set forth herein, the 2022 California Referenced Standards Code, contained in the 2022 edition of the California Code of Regulations, Title 24, Part 12, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

SECTION 31. AMENDMENT OF CODE: Title 12, Chapter 12.68 of the Municipal Code is hereby repealed.

SECTION 32. AMENDMENT OF CODE: Title 12, Chapter 12.68 of the Municipal Code is hereby added to read as follows:

Chapter 12.68 UNDERGROUNDING UTILITIES

Section 12.68.010 Purpose.

Section 12.68.020 Undergrounding utilities.

Section 12.68.010 Purpose.

The purpose of this chapter is to improve and maintain the visual quality and public and private views in the city, as well as to protect and enhance the health and quality of life of its citizens, by reducing hazards along with the visual blight created by overhead utilities.

Section 12.68.020 Undergrounding utilities.

It is the intent of the city to ensure that all new utility services and relocated existing utility services are placed underground, including additions exceeding fifty (50) percent of floor area and/or seven hundred and fifty (750) square feet or more, excluding basements and any non-habitable floor areas. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

- a. In areas served by existing overhead facilities, all new service drops shall be installed underground from the most convenient existing pole.
- b. Relocations and extensions of existing overhead facilities shall be prohibited; provided, however, relocation of existing poles shall be permitted in some instances pursuant to Section 13.20.160 of this municipal code.
- c. Residential properties that are served by utilities located in rear yards on standard lots with frontage on only one public right-of-way shall not be required to underground existing overhead services.
- d. The obligation to provide compliance with these underground utility regulations may not be evaded by performing a series of small additions undertaken over a three-year period and/or two code cycles. The original addition permit issuance date where these regulations were in effect shall be used for compliance.
 - i. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with undergrounding of utility regulations.
 - ii. No exception or waiver shall be granted from compliance with undergrounding utilities.
- e. The Building Official may only grant exceptions to these requirements in cases where access across adjacent property is necessary but is not legally or practically available.
 - i. To demonstrate an exception the property owner shall provide a plan showing the required utility design, communication with adjacent property owners indicating the lack of access allowed, and a letter from the utility company which indicates that no alternative configuration for undergrounding of utilities is possible.
- f. Completion of Work. Undergrounding utilities shall be completed prior to Building Final Inspection, and issuance of Certificate of Occupancy. No exception or waiver shall be granted which allows for a property owner to evade compliance with this requirement.

SECTION 33. CEQA. The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California

Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

SECTION 34. The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

SECTION 35. CONSTITUTIONALITY. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 36. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 37. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2022 and was thereafter, at a regular meeting held on _____, 2022 passed and adopted by the following vote:

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

Anita Enander, MAYOR

Attest:

Angel Rodrigues, Interim CITY CLERK



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Bill Hough](#)
To: [City Council](#); [Public Comment](#)
Subject: public comment regarding item # 4 on 11/15/2022 agenda
Date: Saturday, November 12, 2022 8:14:19 AM

I strongly object to any implantation of so-called "reach codes" in the Climate Action and Adaptation Plan's proposal that the Los Altos City Council ban all gas appliances, including gas cooking appliances, in all new construction and remodels. Most annoying and unreasonable is the proposal that if any existing gas appliances including gas furnaces and your gas cooking appliances break, you will be required to replace them with all electric appliances. This will place an undue burden on retired people on reduced incomes who are already getting hammered by 10% inflation.

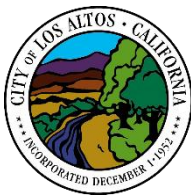
We are constantly being warned about blackouts due to an overstressed electrical grid. These "reach codes" will only make this matter worse. And all this virtue signaling will have no impact on global warming as long as China and India continue burning fossil fuels.

Another offensive thing is the proposal to impose fines/penalties for using gas. This is nothing but a proposal to hurt citizens already being pummeled by inflation and high fuel prices. The EC estimates the city will collect \$500,000 per year in gas fines.

I'll believe global warming is a problem when the rich people who are telling me it is a problem start ACTING like it is a problem. They can start by getting rid their carbon-spewing private jets.

The bottom line is that I do NOT support ANY gas ban and I oppose adopting codes more stringent than those set out by the state. Whether or not the Council is considering any major changes to gas appliances in today's meeting is immaterial. The council must immediately terminate discussion of any restrictions beyond state requirements.

Bill Hough
Los Altos resident and taxpayer



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject December 2022 Council Meeting Dates: Provide direction to staff regarding December Council Meeting dates

Prepared by: Angel Rodriguez, Interim City Clerk

Reviewed by: Jon Maginot, Assistant City Manger

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. None

Initiated by:

City Council

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to amend the Council meeting schedule for December of 2022?

Summary:

- Council approved the 2022 Regular Meeting Schedule on December 14, 2021
- Two meetings are scheduled for December of 2022: December 6 and December 13

Staff Recommendation:

Council asked for this item to be brought for their consideration. Staff will follow Council direction.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



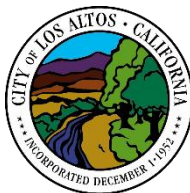
Subject: Update to December 2022 Council Meeting Dates

Purpose

Council asked for this item to be brought for their consideration.

Recommendation

Council asked for this item to be brought for their consideration. Staff is requesting Council direction.



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject **Review and Provide Direction: Request for Transit Service Planning on San Antonio Road Corridor**

Prepared by: **Gabriel Engeland, City Manager**

Attachment(s):

1. Palo Alto Request for Transit Service Planning on San Antonio Road Corridor

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

N/A

Policy Question(s) for Council Consideration:

- After reviewing attachment #1, the Palo Alto Request for Transit Service Planning on San Antonio Road Corridor, does the Los Altos City Council wish to take a position?

Summary:

- On October 12, 2022, the Palo Alto Mayor Sam Burt sent a letter to the General Manager of the Valley Transportation Authority (VTA) on behalf of the City of Palo Alto and the north County VTA Policy Advisory Group members requesting direct transit service planning resources to the San Antonio Road corridor serving the four north County cities of Mountain View, Palo Alto, Los Altos Hills and Los Altos.
- The City of Los Altos may want to consider a position on this request due to potential impacts or changes for Los Altos.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Review and Provide Direction: Request for Transit Service Planning on San Antonio Road Corridor

Staff Recommendation: Staff recommends the City Council discuss and determine if a position is warranted. If the City Council desires to take a position, staff will return with a letter affirming the Council position at the next regular Council meeting.

Request for Transit Service Planning on San Antonio Road Corridor

October 12, 2022

Carolyn Gonot, General Manager
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Re: Request for Transit Service Planning on San Antonio Road Corridor

Dear Ms. Gonot,

On behalf of the City of Palo Alto and the north County VTA Policy Advisory Group members, I am writing to request that VTA direct transit service planning resources to the San Antonio Road corridor serving the four north County cities of Mountain View, Palo Alto, Los Altos and Los Altos Hills.

Over recent years, this corridor has experienced massive new office and residential development, primarily in Mountain View to date. Mountain View, Los Altos, and Palo Alto are all planning for many thousands of units of housing along the corridor within the next few years as central parts of their state-mandated Housing Elements. In addition, Mountain View and Palo Alto have located their Project Homekey/LifeMoves transitional housing projects, requiring lifeline transit service, toward the lower end of the San Antonio Rd corridor. Congestion in the corridor is already significant and that problem will be very compounded in the next few years. While VTA staff have recently agreed to include consideration of the corridor as part of the 2024 Transit Service Plan development effort which will begin in the spring of 2023, this letter provides the land use and transportation context for this request and seeks partnership in developing a robust transit network for the single corridor. We believe that VTA needs to incorporate significant changes to development plans in the north County when considering its service patterns, similar to the VTA commitments to investing in the upcoming development pattern in the Diridon station area.

In addition, the San Antonio Caltrain station currently will soon go from one train per hour except during peak periods to a train every 30 minutes. Serving this station with appropriate transit will be key to supporting mobility and reducing congestion in this area. VTA needs to place a greater emphasis on integrating its network with the electrified Caltrain network coming in 2024. Together, these two systems make a single network for the County.

VTA is leading on the upcoming re-design of the US101 interchanges at San Antonio Road and at Rengstorff Avenue to improve safety and add the missing southbound on-ramp at San Antonio Road. This redesign will support plans to improve bike and pedestrian plans for the corridor.

Palo Alto City staff look forward to working with VTA Transit Planning staff on the 2024 Service Plan. In particular, City staff is interested in partnering on grants that would plan for this area. A corridor study of San Antonio Road that included all affected jurisdictions may be an effective approach.

Recent conversations between City and VTA staff surfaced the following considerations and some constraints to adding bus service in the near term to San Antonio Road:

- Budget: VTA has not been able to add service due to budget constraints, although the FY24 budget may allow some additional service.
- Frequent Network Preference: VTA prefers development to be located along its frequent network.
- Land Use: VTA does consider existing and long-term development plans in their network planning.
- Connectivity: New routes need to improve connections and connectivity with the rest of the network.
- Complete Streets: VTA looks for improvements to the roadway network that are pedestrian- and transit-friendly.
- Timing: Annual service planning begins in the spring of the prior year, community engagement occurs in the summer, VTA committees and board adoption in October, and the new service is implemented in January.
- Title VI Service Equity Analysis: New routes cannot have disparate impacts on groups identified by race, color, or national origin. This FTA-mandated analysis includes outreach to the entire VTA service area to weigh in on a proposed new route. New routes that require VTA to pull service or resources from a community where more people of color are served would not pass the equity analysis.
- Route Productivity/Partnerships/Grants: Given the equity analysis requirement, the north County cities would have a better chance of adding a route if the route were productive or if the cities provided some funding so that resources from other parts of the transit network would not need to be recruited. For example, Stanford Research Park (SRP) subsidizes 25% of the costs of express buses that serve SRP. VTA would also be open to partnering on grant funding. The Valley Medical Hospital shuttle is supported by a partnership between the County, VTA, and TFCA funds. An Equity Analysis was done before this service was added.
- Collaboration with Neighboring Jurisdictions: Staff noted the importance of including adjacent cities in any planning effort as they have also expressed a desire for more transit service in the corridor.

San Antonio Road will be the backbone of future bus network connectivity in South Palo Alto, Mountain View, Los Altos, and Los Altos Hills (Foothill College) as land uses intensify around the corridor and as transportation upgrades accrue at US101 and by Caltrain. Beyond moving forward in the spring to discuss what might be possible in the near-term, future collaboration with VTA

and the north County cities needs to include a comprehensive planning process for transit service and multi-modal mobility in this part of the County.

Thank you for your partnership and consideration of this request.

Sincerely,



Mayor Pat Burt



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Bill Hough](#)
To: [City Council](#); [Public Comment](#)
Subject: public comment regarding item # 6 on 11/15/2022 agenda
Date: Saturday, November 12, 2022 8:38:05 AM

The Los Altos City Council should endorse and support the Palo Alto Request for Transit Service Planning on San Antonio Road as proposed in the October 12, 2022, letter from Mayor Pat Burt of PA to Carolyn Gonot of VTA.

Specifically, I would like to emphasize Mr. Burt's comment that *the San Antonio Caltrain station currently will soon go from one train per hour except during peak periods to a train every 30 minutes. Serving this station with appropriate transit will be key to supporting mobility and reducing congestion in this area. VTA needs to place a greater emphasis on integrating its network with the electrified Caltrain network coming in 2024. Together, these two systems make a single network for the County.*

The current bus on San Antonio, route 40, just misses San Antonio station, although it ironically passes the site of the former "Castro" stop at Rengstorff Avenue. (Not to be confused with the Mountain View station at *Castro Street*.)

I agree with Pat Burt that transit access to San Antonio Caltrain station needs to be improved and I urge Los Altos to join the Palo Alto-VTA transit planning effort.

Bill Hough
Los Altos resident and taxpayer

From: [Susan Russell](#)
To: [Public Comment](#)
Subject: Public Comment Agenda Item 6 - Council Meeting Nov. 15th
Date: Monday, November 14, 2022 1:40:24 PM

My husband and I urge the Council to support the Palo Alto Request for Transit Service Planning on San Antonio Road Corridor. Like Mountain View and Palo Alto, the City of Los Altos is planning on building many housing units on or near this corridor. Some are already built, or in the pipeline like 330 Distel Circle, where many of the residents will be relying on public transportation. In addition, many more housing units whose residents will want to use public transit are envisioned in the Draft Housing Element currently under consideration. It is important to invest in this infrastructure.

Susan and David Russell
744 Los Altos Ave, Los Altos, CA 94022



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject: Annual Development Impact Fees Report for Fiscal Year 2022

Prepared by: June Du, Finance Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Annual Report on Development Impact Fees for the Fiscal Year 2022 Pursuant to AB1600

Initiated by:

Staff

Fiscal Impact:

None

Environmental Review:

The adoption of the Development Impact Fee Report for the Fiscal Year 2022 Pursuant to AB1600 has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15273, which exempts from CEQA fees, rates, tolls, fares and other charges by the local agency for the purpose of meeting financial reserve needs and requirements, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

- None.

Summary:

- Accept Annual Development Impact Fees Report

Staff Recommendation:

Move to receive the Annual Report on Development Impact Fees for the Fiscal Year 2022



Subject: Annual Development Impact Fees Report for Fiscal Year 2022

Purpose

State law requires the City to make this report available for public inspection at least 10 days before the City Council accepts the report and 180 days after the last day of the fiscal year. The notice on the availability of this report was posted on November 4th, 2022.

Background

The attached report provides information on the amount of park-in-lieu fees and traffic impact fees collected, the interest earned on unexpended funds, and the amount of funds expended for the period July 1, 2021, through June 30, 2022. If the City held developer fees for a period greater than five years, the City Council can make findings on an annual basis that uncommitted funds have a specified purpose and that there is a reasonable relationship between the fee and the purpose for which it was charged. As of June 30, 2022, there were no uncommitted funds held by the City for a period greater than five years, and as a result, no findings are needed for this year’s report.

Discussion/Analysis

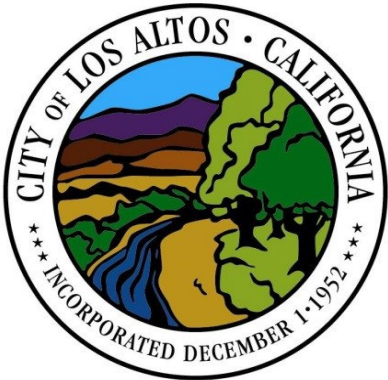
The City has two developer impact fees in place, a Park in-Lieu Fee and a Traffic Impact Fee. The City’s Park in-Lieu Fee requires developers to contribute land or an in-lieu fee per parcel when developing or subdividing a property. The City has identified park and recreation facility improvements in its Capital Improvement Program and the bond payments are to be funded with these dollars.

For the traffic impact fee, the City requires developers to pay a fee when a new development generates traffic and meets other requirements described in Section 3.48.040 of the City’s Municipal Code. The fees collected are to be used for transportation improvements that are identified in the City’s Capital Improvement Program and/or in the Traffic Impact Fee report in effect at the time the traffic impact fee is enacted or as subsequently amended. As of June 30, 2022, the traffic impact fee has a negative balance of \$214,184. This is due to the city did not meet the revenue projection for the year.

Section 66001 of the Government Code requires the City to review and report on the status of the fees collected annually.

Recommendation

Receive the Annual Report on Development Impact Fees for the Fiscal Year 2022



City of Los Altos

Annual Report
on
the Traffic Impact Fee and the Park in-Lieu Fee

for
Fiscal Year Ended
June 30, 2022

City of Los Altos
Park In-Lieu Fees and Traffic Impact Fees
For Year Ended June 30, 2022

Schedule of Park-In-Lieu Fees

Pursuant to City of Los Altos Municipal Code Chapter 13.24
Per City Council Approval on 10-13-2020

New Single-family Residential Home	\$ 87,300 per Home
New Multiple-family Unit	\$ 55,000 per Unit

Schedule of Traffic Impact Fees

Pursuant to City of Los Altos Municipal Code Chapter 3.48
Per City Council Adopted Resolution No. 2018-14

Single-family Housing	\$ 6,774 per Residential Unit
Multiple-family Housing	\$ 4,159 per Residential Unit
Senior Housing	\$ 1,744 per Residential Unit
Commercial	\$ 12,409 per One Thousand Gross Square Feet
Office	\$ 9,994 per One Thousand Gross Square Feet

City of Los Altos
Park In-Lieu Fees
For Year Ended June 30, 2022

Fiscal	Beg	Fees	Interest	Transfers	FY 20/21	Transfers	End
Year	Bal	Collected	Income	In	Expenditures	Out	Bal
2005	\$ -	\$ 30,000	\$ 670		\$ 6,500		\$ 24,170
2006	24,170	60,000	2,757				86,927
2007	86,927	243,000	7,705				337,632
2008	337,632	867,000	23,890		211,780		1,016,742
2009	1,016,742		19,684		73,046		963,380
2010	963,380	468,000	7,868		154,257		1,284,991
2011	1,284,991	132,000	7,784		1,136,867		287,908
2012	287,908	756,000	6,027		100,185		949,750
2013	949,750	3,636,000.00	4,640.00				4,590,390
2014	4,590,390	1,260,000	21,574				5,871,964
2015	5,871,964	62,708	24,420			56,773	5,902,319
2016	5,902,319	198,500	56,633		145,102	467,476	5,544,874
2017	5,544,874		12,414		1,152,527	899	4,403,862
2018	4,403,862	1,092,500	24,575		267,602		5,253,335
2019	5,253,335	127,500	35,466		243,104		5,173,197
2020	5,173,197		136,292		19,238		5,290,251
*2020R							5,447,255
2021	5,447,255	1,541,500	76,353		17,564	1,300,000	5,747,544
2022	5,747,544	3,757,600	70,668		38,000	917,515	8,620,297
					Committed Use of Fund		(4,412,176)
					Avail. Fund		4,208,121

NOTE: The transfer out of funds went to the Capital Improvements Fund and Debt Service Fund
Please refer to Exhibit C-2

* The Adjustment to the available fund balance

The difference is due to previous calculation included unrealized gain and loss to the investment

2020 Original	5,290,251
2020 Revised	5,447,255
Diff	\$ 157,004

**City of Los Altos
Traffic Impact Fees
For Year Ended June 30, 2022**

Fiscal	Beg	Fees	Interest	Transfers	FY 20/21	Transfers	End
Year	Bal	Collected	Income	In	Expenditures	Out	Bal
2006	\$ -	\$ 84,796	\$ 960		\$ -	\$ -	\$ 85,756
2007	85,756		4,467				90,223
2008	90,223	285,018	7,785				383,026
2009	383,026	24,842	8,974				416,842
2010	416,842	154,644	3,372				574,858
2011	574,858	185,795	5,935		47,793		718,795
2012	718,795	59,964	5,108		23,402		760,465
2013	760,465	651,705	1,758		18,336		1,395,592
2014	1,395,592	692,408	8,083		1,684	95,357	1,999,042
2015	1,999,042	249,589	8,819		320,225		1,937,224
2016	1,937,224	41,531	18,924		7,014	518,398	1,472,267
2017	1,472,267		3,867		105,434	114,529	1,256,171
2018	1,256,171	105,359	5,165		346,463	440,000	580,232
2019	580,232	21,053	4,447		70,895		534,837
2020	534,837	20,293	14,355		62,102	4,540	502,843
**2020R							534,292
2021	534,292	139,336	6,871		(833)	651,391	29,940
2022	29,940	227,114	884		-	472,122	(214,184)

NOTE: The transfer out of funds went to the Capital Improvements Fund
Please refer to Exhibit C-2

** The Adjustment to the available fund balance

The difference is due to previous calculation included unrealized gain and loss to the investment

2020 Original	502,843
2020 Revised	534,292
Diff	\$ 31,449

**City of Los Altos
Park-in-Lieu Funds Expended
For Year Ended June 30, 2022**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
CF01004 Halsey House Rehabilitation	Park-in-Lieu	\$ 59,270	\$ 59,270	100%
CF01017 Annual Park Improvement Project		\$ 17,039	\$ 17,039	100%
CF01025 Dog Park Fencing Project		<u>\$ 51,716</u>	<u>\$ 51,716</u>	100%
	Total	<u><u>\$ 128,025</u></u>	<u><u>\$ 128,025</u></u>	100%

Debt Service

GO Bond Payment	\$ 167,400
Community Center Bond Payment	<u>\$ 622,090</u>
Total	<u><u>\$ 789,490</u></u>

As June 30, 2022, there were no loans made by the Fund

For fiscal year ending June 30, 2022, there were no fee refunds issued by the Fund

As of June 30, 2022, there were no incomplete public improvements for which sufficient funds have been collected.
No approximate construction date can be identified at this time for incomplete public improvements.

City of Los Altos
Traffic Impact Fee Funds Expended
For Year Ended June 30, 2022

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
TS01022 Collector Street Traffic Calming	Traffic Impact	\$ 26,923	\$ 26,923	100%
TS01052 Annual Bike/Pedestrian Access Improv.	Traffic Impact	\$ 64,303	\$ 64,303	100%
TS01038 El Monte Sidewalk Gap Closure	Traffic Impact	\$ 380,895	\$ 628,864	61%
Total		<u>\$ 472,122</u>	<u>\$ 720,091</u>	66%

As June 30, 2022, there were no loans made by the Fund

For fiscal year ending June 30, 2022, there were no fee refunds issued by the Fund

As of June 30, 2022, there were no incomplete public improvements for which sufficient funds have been collected. No approximate construction date can be identified at this time for incomplete public improvements.



AGENDA REPORT SUMMARY

Meeting Date: November 15, 2022

Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

Prepared by: Thanh Nguyen, Senior Civil Engineer

Reviewed by: Aida Fairman, Environmental Services and Utilities Director

Approved by: Gabriel Engeland, City Manager

Attachment:

None

Initiated by:

Staff; NPDES permit reissuance by Water Board

Previous Council Consideration:

None

Fiscal Impact:

No direct fiscal impact associated with this report, though compliance with new requirements in the NPDES permit may have fiscal impacts

Environmental Review:

The project is exempt from the California Environmental Quality Act (CEQA) Guidelines 15308 as an action taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, and none of the findings stated in CEQA Guidelines Section 15300.2 can be made.

Policy Questions for Council Consideration:

None

Summary:

- On May 11, 2022, the Regional Water Board adopted the third iteration of the Municipal Regional NPDES Permit (i.e., MRP 3.0).
- The reissued MRP includes requirements that 79 cities, towns, counties, and flood control districts surrounding San Francisco Bay, including the City of Los Altos must implement to reduce the impacts of stormwater runoff on local creeks and the San Francisco Bay.
- This Staff Report provides a brief background on the reissued MRP and describes the main changes from the previous permit (MRP 2.0), including new and expanded requirements.

City Manager

GE

Reviewed By:

City Attorney

JH

Acting Finance Director

SN



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

Staff Recommendation:

Receive information on the new Municipal Regional Permit (Order R2-2022-0018) adopted by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on May 11, 2022, and effective July 1, 2022



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

Purpose

Inform the City Council of the changes to the stormwater regulations affecting Los Altos.

Background

Rain that falls onto urban areas flows into local creeks and waterways through storm drain systems. This water is collectively known as “stormwater” or “urban runoff.” Stormwater in Santa Clara Valley can carry pollutants that are on streets, sidewalks, parking lots, roofs and automobiles to local surface waters, and eventually to San Francisco Bay. Public agencies manage stormwater to protect aquatic habitat, public health, recreation, and other beneficial uses of our creeks, lakes, wetlands and Bay.

The State of California began requiring actions to prevent or manage the impacts of urban runoff in 1990. The City of Los Altos is subject to the requirements described in the Municipal Regional NPDES Permit (i.e., MRP 3.0), which was recently adopted by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) and became effective on July 1, 2022. The reissued permit applies to 79 cities, towns, counties, and flood control agencies that discharge stormwater to San Francisco Bay, collectively referred to as Permittees. The City of Los Altos participates in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to coordinate stormwater management activities and implements some of the requirements in MRP 3.0 at the countywide level on behalf of Permittees.

The Regional Water Board’s authority to issue MRP 3.0 is derived from the U.S. Environmental Protection Agency’s National Pollutant Discharge Elimination System (NPDES), which was developed under the Federal Clean Water Act and implemented by the State of California. The first MRP (“MRP 1.0”) was adopted on October 14, 2009 and reissued on November 11, 2015 (“MRP 2.0”), and May 11, 2022 (“MRP 3.0”).

The Permit requires the reduction of key pollutants, which include trash, mercury, polychlorinated biphenyls or PCBs, and others, in stormwater. The Permit also requires the implementation of urban runoff controls for land development and redevelopment projects, inspection programs for businesses and construction sites, education and outreach, and monitoring water quality and the effectiveness of these actions. The City of Los Altos implements several programs to address the many requirements of the permit. City staff report annually to the Water Board, as required by the permit, on the actions, inspections, outreach, plans, and achievements made in compliance with the regulations.

Discussion/Analysis

MRP 3.0 is a complex Permit that maintains and increases the regulatory requirements that public agencies comply with to address potential impacts associated with discharges to local creeks and the San Francisco Bay from municipal storm drain systems. There are a number of requirements



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

expanded from MRP 2.0 and several new requirements. Table 1 lists the key MRP 3.0 provisions that are applicable to Permittees in Santa Clara County and identifies whether the changes to the requirements are new, significant, or minor.

Table 1. MRP 3.0 Provisions that are applicable to Santa Clara County Permittees.

Provision	Significance of Change from MRP 2.0
C.2. Municipal Operations	Minor
C.3. New Development and Redevelopment	Significant
C.4. Industrial and Commercial Site Controls	Minor
C.5. Illicit Discharge Detection and Elimination	Minor
C.6. Construction Site Control	Minor
C.7. Public Information and Outreach	Minor
C.8. Water Quality Monitoring	Significant
C.9. Pesticides Toxicity Control	Minor
C.10. Trash Load Reduction	Significant
C.11. Mercury Controls	Significant
C.12. Polychlorinated Biphenyls (PCBs) Controls	Significant
C.13. Copper Controls	Minor
C.14. Bacteria Control for Impaired Water Bodies <i>(Mountain View and Sunnyvale Only)</i>	New
C.15. Exempted and Conditionally Exempted Discharges	Minor
C.17. Discharges Associated with Unsheltered Homeless	New
C.20. Cost Reporting	New
C.21. Asset Management	New

Summary of Significant Changes and New Requirements in MRP 3.0:

Changes in Provision C.3 - New Development and Redevelopment Projects

New development and redevelopment projects above certain impervious surface area thresholds are required to treat stormwater runoff using Low Impact Development (LID) techniques or Green Stormwater Infrastructure (GSI). These techniques include the construction of bioretention areas, pervious pavement, and infiltration structural control measures. MRP 3.0 reduces the impervious



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

surface area thresholds from 10,000 sf to 5,000 sf for most types of projects. Beginning July 1, 2023, the following projects will be required to implement LID treatment:

- Private and public new development and redevelopment projects that replace/create \geq 5,000 sf of impervious area.
- New roads or lane additions that replace/create \geq 5,000 sf of impervious area
- Some road repair or improvement activities \geq 5,000 sf of contiguous impervious area
- Road reconstruction and pavement widening projects that create/replace \geq 1 acre of contiguous impervious area, including major utility trenching projects
- Single-family homes that create/replace \geq 10,000 sf of impervious area

MRP 3.0 allows some smart growth/high-density projects to use non-LID treatment methods if LID methods are infeasible. Allowances for transit-oriented projects have been replaced in MRP 3.0 with allowances for affordable housing projects.

Permittees are also required to retrofit existing public streets and parking lots to treat stormwater runoff with LID/GSI measures. The City of Los Altos must construct GSI projects during permit term to meet the MRP 3.0 target of 3 acres treated per 50,000 population (City of Los Altos target is 1.81 acres). The target can be met at the countywide level, however, the City of Los Altos must individually implement at least one GSI project, with a minimum of 0.2 acres treated.

Compliance with the new/enhanced requirements in provision C.3 are anticipated to require additional resources compared to compliance with MRP 2.0 requirements.

Changes in Provision C.10 Section – Trash Controls

Permittees are required to continue implementing control measures and other actions to reduce trash loads from municipal storm drain systems and achieve the following trash reduction benchmarks (relative to established baseline levels):

- 90 percent trash reduction by June 30, 2023; and
- 100 percent trash reduction by June 30, 2025

To meet these benchmarks, the City of Los Altos may need to construct/install additional trash control devices within their storm drain system, increase the frequency of inspecting/maintaining these devices, enhance street sweeping or other litter abatement activities, and/or require private land areas that generate significant levels of trash to implement controls to address trash on their properties.

MRP 2.0 allowed the City of Los Altos to receive credits for source control ordinances (e.g., plastic bag and expanded polystyrene food service ware bans) and offsets for creek/shoreline cleanup activities, however under MRP 3.0, these offsets/credits will be eliminated after June 30, 2025. With the elimination of these offsets/credits, the City of Los Altos will likely need to expand the



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

extent of trash controls implemented to achieve the 90% and 100% trash reduction benchmarks. The City is currently working through SCVURPPP and internally to evaluate whether additional trash controls are needed and the associated costs of complying with MRP 3.0 provision C.10 requirements. If the City cannot achieve the 90% reduction milestone (without source control credits and offsets) by July 1, 2023, the City will be required to submit a Revised Long-term Trash Load Reduction Plan to the Regional Water Board by September 2023 that describes the enhanced/new controls that will be implemented to achieve the 100% benchmark by July 2025. Compliance with the new/enhanced requirements in provision C.10 are anticipated to require additional resources compared to compliance with MRP 2.0 requirements.

Changes in Provisions C.11 and C.12 - Mercury/Polychlorinated Biphenyls (PCBs) Controls

PCBs and mercury are legacy pollutants that were once commonly used in industrial and electrical applications, building materials, and household items. The U.S. banned the production of PCBs over 40 years ago and the extent of mercury sources/uses has decreased, but past pollution continues to linger in Bay Area soils and waters. These MRP provisions require Permittees to implement source control measures (e.g., managing building demolition waste), treatment control measures (e.g., implementing GSI), and outreach measures (e.g., proper disposal of mercury containing products) to continue to address the levels of these pollutants in stormwater. MRP 3.0 adds requirements to implement to controls to address stormwater runoff from older industrial areas (a total of 664 acres in Santa Clara County) and controls that reduces the risk of PCBs in bridges and overpasses (when repaired or replaced) from entering stormwater. The City of Los Altos is currently working through SCVURPPP to develop a plan that identifies the controls needed to address MRP 3.0 provision C.11/12 requirements and an implementation schedule. This plan will be submitted to the Regional Water Board by March 31, 2022.

Compliance with the new/enhanced requirements in provision C.11/12 are anticipated to require additional resources compared to compliance with MRP 2.0 requirements.

Changes in Provision C.8 – Water Quality Monitoring

There are significant changes to the water quality monitoring requirements included in MRP provision C.8. Some types of monitoring programs that assessed creek health and investigated the sources of pollutants/impacts have been eliminated, however significant new requirements have been added to this provision. Monitoring conducted to comply with this provision is implemented by SCVURPPP on behalf of all Permittees, but requires coordination with Permittees.

- Trash monitoring – MRP 3.0 requires Permittees to collectively monitor levels of trash (e.g., volume, type, and size) discharged from storm drain outfalls during storm events and to conduct pilot programs to monitor trash in creeks/channels during storm events.
- Monitoring effectiveness of LID systems – MRP 3.0 requires Permittees to collectively develop and implement a program to monitor multiple LID systems to better understand their ability to intercept pollutants and reduce hydrologic impacts to local creeks.



Subject: Municipal Regional Stormwater Permit: Overview of New Requirements

Compliance with the new/enhanced requirements in provision C.8 are anticipated to require additional resources compared to compliance with MRP 2.0 requirements.

New Provisions in MRP 3.0

MRP 3.0 adds three new provisions, which are briefly described below.

Discharges Associated with Unsheltered Homeless Populations (Provision C.17) - New Requirement

MRP 3.0 adds a new requirement to address potential stormwater quality concerns associated with unsheltered homeless populations. The City of Los Altos is required to develop maps identifying the approximate location(s) of unsheltered homeless populations, compile information on current practices to manage discharges associated with these populations, and plan for the implementation of enhanced actions to address current/potential stormwater quality concerns. The City of Los Altos will coordinate through SCVURPPP to comply with this requirement.

Cost Reporting (Provision C.21) – New Requirement

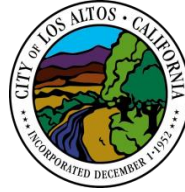
MRP 3.0 includes a new provision that requires Permittees to develop a regional cost reporting framework and methodology by June 30, 2023. Starting in FY 2024-25, the City of Los Altos will be required to track its costs of complying with the MRP and submit these cost estimates annually to the Regional Water Board, using the approved framework.

Asset Management (Provision C.22) - New Requirement

MRP 3.0 includes a new provision that requires Permittees to develop and implement an Asset Management Plan in order to ensure the satisfactory condition of all publicly owned water quality-related assets (e.g., stormwater treatment controls and trash capture devices) constructed during this permit and previous permit terms. SCVURPPP is assisting with the development the program-wide Asset Management Plan and discussions have begun among all SCVURPPP member agencies about the best approach to complying with this requirement.

Recommendation

Receive information on the new Municipal Regional Permit (Order R2-2022-0018) adopted by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on May 11, 2022 and effective July 1, 2022



City of Los Altos 2022 Tentative Council Agenda Calendar
November 7, 2022

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept/ Date of request to add.
November 29, 2022	Study Session – City Council Priority #9: Business Communities; – 6 pm start	Study Session	Anthony C
November 29, 2022	REGULAR COUNCIL MEETING		
	Developer Fee Report	Consent	June
	Current Reach Code extension (second reading)	Consent	Nick
	Housing Element (Place Holder – If needed)	Discussion	Nick
	Conflict interest code update	Consent	Angel & HR
	Assembly Bill AB 1276	Public Hearing	Aida
	Developer Fee Report	Info Only	June
	Accept 1266 Montclair Way Storm Drain outfall repair	Consent	Aida
	Revised Addendum 11, City of Palo Alto	Consent	Thanh/Aida
	1st Quarter report FY 2022/2023 – Investment Report	Consent	June
North County VTA Board Appointment	Discussion		
December 13, 2022	Reorganization Meeting for Council; New Mayor and Vice Mayor		
	Stale Check Report	Consent	June
	Design Contract for S 1 st street scape	Consent	Jim
	2023 Council Regular Meeting Dates	Consent	Angel



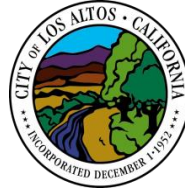
City of Los Altos Tentative Council Agenda Calendar
November 7, 2022

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	Council Assignments	Consent	Angel
	Contract Award: Construction Documents and Construction administration for EOC	Consent	Jim
	Parcel Map Acceptance	Consent	Harun

Future Agenda Topics To Be Scheduled....

Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing	
League of California Cities – Role and Representation	Presentation /Discussion	Council Initiated
Subcommittee on Grants		NF 03.25.2022
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		ES



City of Los Altos Tentative Council Agenda Calendar
 November 7, 2022

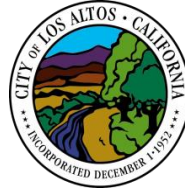
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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
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PCI Report			
Funding mechanisms for housing and housing programs – Nick			
Open Government Cmte			
MWENDO – Council			
Dark Skies Ordinance (LLE/AE/NF 7/12)			
Holidays to be referenced on employee rules – HR		Consent	HR
Placing Items on Future Agendas – CM		Discussion	Gabe
Restriction of Fire Arms on Public Property (JW/NF/AE 7/12)		Discussion	January 2022
Cities Association JPA – Council		Discussion	Angel
Outgoing Commissioner Recognition			

1st January Meeting

- Parklet Program
- Commission Appointments Process
- Raising Flag Policy, Discussion, Anthony C
- Ceding time, Consent ,Anthony
- IIO Annual Report, Katie/Angela
- Military Equipment Use Report, Katie/Angela



City of Los Altos Tentative Council Agenda Calendar
November 7, 2022

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