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shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- c. Any conditions imposed on a use permit application shall be crafted to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.
- d. The zoning administrator's decision on the use permit may be appealed to the planning commission pursuant to the time limits and processing provisions set forth in Title 14.

12.315.050 Fees. Fees for permits subject to this application process shall be as set forth in the master fee schedule resolution of the city council, as amended from time to time.

CHAPTER 12.320 - EXPEDITED PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

12.320.010 Purpose. The purpose of this chapter is to implement an expedited, streamlined solar permitting process that complies with the Solar Rights Act and California Assembly Bill 2188 (Chapter 521, Statutes 2014) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The provisions herein encourage the use of solar systems by removing unreasonable barriers and minimizing costs to property owners and the City, expand the ability of property owners to install solar energy systems and allow the City to achieve these goals while continuing to protect the public health and safety.

12.320.020 Definitions. As used for interpretation in this chapter, unless a different meaning is apparent from the context or specified elsewhere in the code, the following terms shall have the meanings set forth below:

"Solar energy system" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

"Small residential rooftop solar energy system" is one that meets all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;
3. A solar energy system that is installed on a single family dwelling or duplex;
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City's zoning ordinance.

"Electronic submittal" means the utilization of one or more of the following:

1. Email;
2. The internet (when that functionality becomes available); or
3. Facsimile.

"Association" means a nonprofit corporation or unincorporated association created for the

purpose of managing a common interest development.

"Common interest development" means any of the following, as defined in sections 4000 through 4190, inclusive, of the California Civil Code, or successor statutes:

1. A community apartment project.
2. A condominium project.
3. A planned development.
4. A stock cooperative.

"Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

"Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:

1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent (10%) of the cost of the system, but in no case more than 1,000 dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%), as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed 1,000 dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed.

"Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

12.320.030 Applicability. This chapter applies to the permitting of all small residential rooftop solar energy systems in the City of San Rafael. Small residential rooftop solar energy systems legally established or permitted prior to October 21, 2015 are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

12.320.040 Solar energy system requirements. All solar energy systems shall meet the following requirements:

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City and local fire department.
2. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.
3. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

12.320.050 Duties. Duties of Community Development Department and building official are as

follows:

1. All documents required for the submission of an expedited solar energy system application shall be made available for public review on the City's website.
2. Electronic submittal of the required permit application and documents by email (and the Internet when that technology becomes available) shall be made available to all small residential rooftop solar energy system permit applicants.
3. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
4. The City's building division shall adopt and maintain standard plans and checklists of all requirements for which all small residential rooftop solar energy systems shall comply to be eligible for expedited review. The standard plans and checklist of requirements shall be posted and made available for public review on the City's website.
5. The small residential rooftop solar system permit process, standard plans, and checklists shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
6. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951, and successor statutes.

12.320.060 Permit review and inspection requirements. Permit review and inspection requirements are as follows:

1. Upon receipt of a complete application that meets the requirements of the approved checklist and standard plan, the building official or his designee shall issue a building permit or other nondiscretionary permit the same day or the next day, for an application submitted over-the-counter, or within three (3) business days for applications that have been filed electronically.
2. Review of the application shall be limited to review by the building official or his designee to determine if the application: 1) meets all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards; and 2) contains all information requested in the applicable standard plan and checklist.
3. If an application is deemed incomplete by the building official, a written correction notice shall be sent in a timely manner to the applicant detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance upon resubmission of the application.
4. The building official may require an applicant to apply for an administrative use permit if he/she finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City Planning Commission.
5. A use permit and/or an environmental and design review may be required for properties on the City's list of historic resources as determined by the Community Development Director.
6. If a use permit is required, the Community Development Director or his/her designee may deny an application for the use permit if he/she makes written findings, based upon substantive evidence in the record that: 1) the proposed installation would have a specific, adverse impact upon public health or safety; and 2) there is no feasible method

to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. The Community Development Director's decisions may be appealed to the City Planning Commission.

7. Any condition imposed on a use permit or an environmental and design review permit application shall be crafted to mitigate the specific, adverse impact upon health and safety at the lowest possible cost to the applicant.
8. For purposes of this chapter, a "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation successfully-imposed by the City on another similarly-situated solar energy application. The City shall use its best efforts to ensure that the selected method, condition, or mitigation that does not significantly increase the cost of the system or decrease its efficiency or specified performance as defined in this chapter.
9. The City shall not condition approval of an application on the approval of an association, as defined in 'Section 4080 of the Civil Code.
10. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.
11. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within one business day of a request and the applicant shall be provided with a four-hour inspection window.
12. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter.

CHAPTER 12.325 - MOVING AND RELOCATION OF BUILDINGS OR STRUCTURES

12.325.010 Purpose and scope. The purpose and scope of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating the moving and relocation of buildings or structures within the city.

12.325.020 Permit required. It is unlawful for any person, firm or corporation to move or cause to be moved, any building or structure that exceeds eight feet (87) in width, twenty-five feet (257) in length and fifteen feet (157) in height when loaded on moving dollies, into, out of, through or within the city without first having obtained a house mover's permit from the building official. A house moving permit shall not be issued until a relocation permit is obtained from the building official unless the structure is being moved from a location outside the city to a location outside the city.

12.325.030 Application for house mover's permit. Application for house mover's permit shall be made upon forms furnished by the building department and shall contain the following information:

1. Applicant's name, address and phone number;
2. That the applicant is a holder of a valid state house moving license;
3. That the applicant is a holder of a valid city business license;
4. That the applicant has on file with said city a bond as required by Section 12.325.050;
5. That the applicant has on file with the city a certificate of insurance as required by Section 12.325.060;
6. That the route over which the building is to be moved is specified;
7. That the written approval be obtained from the superintendent of streets, fire chief, police chief and utility companies of the route over which the building is to be moved;

8. The relocation permit number;
9. Other information which the superintendent of streets or the building official may require.

12.325.040 Fee for house mover's permit. Every person to whom a permit is issued shall pay to the building official, a permit fee in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

In addition, the permittee shall deposit with the Department of Public Works, the sum in accordance with the Master Fee Schedule Resolution plus any additional sum as required to cover the expense to the city for use of city personnel and/or removal and replacement of and repairs to any city property or equipment belonging to the city, occasioned by the moving of such building or structure.

12.325.050 Bond required. Before a house mover's permit may be issued hereunder, the house mover shall have filed with the city clerk a bond approved by the city attorney in favor of the city in the sum of one thousand dollars, executed by a responsible surety company conditioned that the principal will strictly comply with all requirements of this chapter and any ordinance hereafter in effect regulating the moving of buildings or structures in said city; that the principal sum will pay for any and all damages to any fence, tree, pavement, street or sidewalk or any other property belonging to the city resulting from the moving of any house or structure by him, that the principal sum shall be forfeited to the city if the permittee fails to comply with all conditions and regulations of the granting of such permit by the building official and that the principal will indemnify and keep harmless said city against any and all damages, judgments, costs and expense which may in any wise accrue against the city in consequence of the granting to him or exercise by him of any permit hereunder; which bond shall operate as a continuing bond for the purpose of this chapter for a term of two years from and after the date thereof.

12.325.060 Insurance required. No permit to move a building authorized by the building official shall be issued until the permittee has filed with the city clerk a policy of public liability and property damage, or approved certificate thereof, issued by a responsible insurance company authorized to do business in the state. Said policy shall provide liability insurance in an amount of at least two hundred fifty thousand dollars each person and seven hundred fifty thousand dollars each accident, and property damage insurance in an amount of at least one hundred thousand dollars per accident, and insure the permittee and shall insure to the benefit of any and all person suffering loss or damage either to persons or property by reason of wrongful or negligent acts in moving the building. Said policy shall also contain a clause or special endorsement indemnifying and saving harmless the city against any loss, damage, costs and expenses which may in any wise accrue against said city in consequence of the granting of the permit for moving any building or structure.

12.325.070 Obstructing streets. No building or structure in process of moving shall be permitted to remain in anyone location or any public street or way or projecting over a public sidewalk, street or way, for a period longer than two hours except by written permission first obtained from the superintendent of streets, fire chief and police chief, and no such building or structure shall be permitted to obstruct traffic on any railroad for a longer time than is necessary and the railroad company shall be notified at least twenty-four hours in advance by the house mover of the intention to move any building or structure across any said railroad.

No building or structure when removed from its foundation shall be permitted to remain at its original site or transitional site for a period longer than forty-eight hours, without written approval

from the building official.

12.325.080 Safety requirement. The moving of said structure or building shall be during the hours specified by the chief of police. During the period from a half hour after sunset to a half hour before sunrise, light lanterns shall be hung at least every five feet along each end or side of any building or structure while in a public street or way.

At all times while any building or structure is in a public street or way, the house mover shall maintain "street closed" warning barriers at both ends of the block, and during the period from a half hour after sunset to a half hour before sunrise, lighted lanterns shall be maintained not more than five feet apart on such barriers, but not less than three in all on each barrier. In lieu of the barriers the house mover may, with the approval of the chief of police, employ the use of emergency police vehicles. The fee for the use of such vehicles shall be as determined by the chief of police. The house mover shall keep the fire department advised at all times of the location of any building or structure on any public street or way.

12.325.090 Wires, cables, guys and poles. If the moving of any building hereunder requires any interference with any fire alarm, communication, or public utility structure, the applicant shall notify the public utility involved of the tentative time of such moving, the route of such moving, and the estimated loaded height of the building and moving equipment. Applicant shall bear the cost of any measures required to protect said structures from destruction or damage due to the moving of any building hereunder, and shall indemnify such public utility against any and all damages or claims of whatever kind or nature, direct or consequential, caused directly or indirectly by the relocation of any building hereunder or by any measures required to protect such structures. Applicant shall furnish the public utility involved with an advance cash deposit in the amount of the estimated cost of protecting such structures, subject to adjustment upon completion of moving to reflect the actual cost of such protective measures. No permit hereunder shall be issued by the building official unless applicant furnished satisfactory proof that any requirements of the public utilities have been fulfilled.

12.325.100 Relocation permit required. It is unlawful for any person, firm or corporation to move any structures from or onto any lot, piece or parcel of land located within the city until a relocation permit has been obtained as provided in this chapter.

12.325.110 Application for relocation permit. Every application for a relocation permit shall be:

1. Made in writing upon a form furnished by the building official and shall set forth such information as may reasonably be required,
2. Fees: each application shall be accompanied by a filing fee in accordance with the Master Fee Schedule Resolution.

12.325.120 Action on application. No permit shall be issued to relocate any building or structure within the city, which is so constructed or in such condition as to be dangerous or which is infested with pests or unsanitary; or which, if it be a dwelling for inhabitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet from the proposed site, or if the structure is of a type prohibited at the proposed site, by any fire district ordinance, or by any other law or ordinance; provided, however, that if the condition of the building or structure, in the judgment of the building official, admits of practicable and effective

repair, the permit may be issued upon condition as hereinafter provided. If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practically and effectively be made, the permit shall be denied.

The building office shall, in granting any relocation permit, consider among other conditions the following:

1. Conformance to the zoning, building, housing, electrical, plumbing and heating codes of the city. The building official shall determine what repairs, alterations, or remodeling will be required to conform to all the requirements of the aforementioned codes;
2. That public improvements, such as concrete, curb and gutters, sidewalks, retaining walls, drainage, driveways and street trees are required to conform to city codes, ordinances and regulations;
3. That the structure when completed and in place will have a finished appearance and be so constructed as to not unreasonably depreciate other properties in the vicinity.

Where the building or structure is to be moved outside the city limits, the building official shall require the removal of foundations, walls, walks, debris, or other materials or structures remaining on the premises after the removal of the building. The repair of sidewalks, curbs and gutters, the removal of abandoned driveways and approaches, the filling in of basements, trenches and other excavations, or other work to return the premises to a state that will not be detrimental nor injurious to the public or either in the district as herein limited.

12.325.130 Relocation permit bond required. No relocation permit shall be issued unless the applicant shall first post with the city clerk of the city a bond executed by the owner of the premises where the building or structure is to be removed from the city or the owner of the premises from which the building or structure is to be moved, as principal and by a surety company authorized to do business in this state as surety. The bond, which shall be in form joint and several and shall name the city as obligee and shall be in an amount equal to the cost, plus twenty-five percent of the work required to be done in order to comply with all the conditions of such relocation permit, as estimated by the building official. In lieu of a surety bond, the applicant may post a bond executed by the said owner, as principal, and which is secured by a deposit of cash in the amount named above and conditioned as required in the case of a surety bond, such a bond as so secured is hereinafter called a "cash bond" for the purpose of this section.

12.325.130.1 Conditions of Relocation Permit Bond. Every bond posted pursuant to this section shall be conditioned as follows:

1. That each and all of the terms and conditions of relocation permit shall be complied with to the satisfaction of the building official;
2. That all of the work required to be done pursuant to the condition of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within ninety days after the date of the issuance by the building official of the housemover's permit elsewhere in this chapter provided for. The time limit herein specified, or the time limit specified in any permit, may be extended for good and sufficient cause by the building official. No such extension of time shall be valid unless written and no such extension shall release any surety upon any bond.

12.325.130.2 Default in Performance of Conditions Notice to Be Given. Whenever the building official finds that a default has occurred in the performance of any term or condition

of any permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the building official to be reasonably necessary for the completion of such work and shall be served upon the principal by certified mail, return receipt requested.

After receipt of such notice the surety or principal must, within the time specified, either cause the required work to be performed or failing therein, must pay over to the building department the estimated cost of doing the work, as set forth in the notice. Upon receipt of such moneys the building department may proceed by such mode as it deems convenient to cause the required work to be performed and completed but no liability shall be incurred therein other than for the expenditure of the said sum in hand therefor.

12.325.130.3 Cash Bond Manner of Enforcement. If a cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified, the building department may proceed without further notice of proceedings whatever, to use the cash deposit to cause the required work to be done, by contractor or otherwise in the discretion of the department. The balance, if any of such cash deposit shall, upon the completion of the work be returned to the depositor or to his successors or assigns.

12.325.130.4 Period of Termination of Bond. The term of each bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon the completion, to the satisfaction of the building official of the performance of all the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof, signed by the building official, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor, or to his successors or assigns, upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this section provided.

12.325.130.5 Entry Upon Premises. The building official or other department of the city, the surety and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, the building department, or any person employed or engaged on its behalf shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure. It is unlawful for the owner, or his representatives, successors or assigns, or any other person to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety, or the city engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued, after a default has occurred in the performance of the terms or conditions thereof.

12.325.140 Appeals. Any applicant for a house moving permit or for a relocation permit or any person aggrieved by any decision of the building official, may appeal such decision to the city council by filing with the city clerk a written notice of appeal within ten days of such decision. The appeal shall state the grounds upon which it is made and the particular decision from which the appeal is to be made. At the next regular meeting following the filing of notice of appeal the city council shall set a date for a public hearing and said public hearing shall be held not more than forty-five days thereafter. The decision of the city council shall be rendered within thirty days after the public hearing. In the event a decision is not rendered within the time limit specified above,

the notice of appeal is automatically rejected.

CHAPTER 12.335 -REPORT OF RESIDENTIAL BUILDING RECORD

12.335.010 Purpose. The city finds that it is necessary to maintain and upgrade the condition of the aging housing stock within the city to ensure the basic health and life safety of its residents. A report of residential building record prepared and issued upon the resale of residential property provides a reasonable and effective method of disclosing building conditions, unpermitted improvements, and mandatory items of correction to meet the city codes governing basic health and life safety. In addition, the city finds that a report of residential building record provides a valuable disclosure of building conditions to the purchaser, and an opportunity for the city to enforce building and zoning codes.

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

1. "Building official" means the building official, an authorized deputy, designated building inspector or other designated employee of the community development department building division charged with enforcement and administration of this chapter.
2. "Owner" means any person, co-partnership, association, corporation or fiduciary, or their authorized agent(s) having legal or equitable title or any interest in any real property.
3. "Purchaser" means any person, partnership, association, corporation or fiduciary, or their authorized agent(s) acquiring legal or equitable title or any interest in any real property.
4. "Report" means the report of residential building record.
5. "Residential building" means any improved property designed or permitted to be used for dwelling purposes (e.g., single-family dwelling, two-family (duplex) dwelling or multiple-family dwelling (apartment), or town home), situated in the city and shall include all the buildings or structures located on the improved real property.

12.335.030 Report required. Prior to the sale or exchange of any residential building, the owner thereof shall obtain from the city a report of residential building record, which documents the findings of a city permit records search and city inspection.

12.335.040 Application for report. An owner required by this chapter to obtain a report shall file an application to the community development department, building division, on forms provided by the department containing such information that may be deemed necessary.

12.335.050 Fees. A report shall be subject to an application fee made payable upon application to the city by the owner. The filing fee for the report shall be as set forth in the city's master fee schedule.

12.335.060 Contents of report. Upon application of the owner and payment of the fee, the building division shall review pertinent city records and inspect the premises in question. Upon completion of the review and the inspection, the building division shall make available to the owner a written report of residential building record, which shall contain in respect to the residential building and property the following information:

1. The street address and assessor's parcel number of subject property;
2. A statement documenting the zoning district classification for the property and a list of

- the zoning permits and/or approvals that have been granted to the property;
3. A list of the record of construction permits that are on file with the building division and, if any, the active or expired building permits that have been issued for work not yet completed on those premises;
 4. A list of past code enforcement cases and actions taken by the city;
 5. A statement confirming the type and number of residential buildings and dwelling units observed at the time of the city inspection;
 6. A statement as to whether there are any nonconformities or illegalities in the structures on the property or the uses such as, but not limited to, undocumented dwelling units or unpermitted improvements observed at the time of the city inspection;
 7. A statement listing any violations observed at the time of the city inspection and the required remedy for such violations (e.g., obtaining retroactive permits or abatement);
 8. A statement of advisory notations from the city on improvements observed at the time of the city inspection;
 9. The name of the city building inspector that conducted the city inspection supporting the report findings, along with the name and contact information of the building division employee that is available to assist in addressing questions and issues;
 10. The dates of report issuance and expiration; and
 11. A return receipt and buyer's certification form.
 12. A notification of the appeal process available to the owner who wishes to contest the contents of the report.

12.335.070 Policies, practices and procedures for administering the report program. The report program shall be administered and enforced by the community development department consistent with city policies, practices and procedures adopted by resolution of the city council. The adopted policies, practices and procedures shall address and incorporate, among others, the following:

1. Time frames and procedures for report processing and remedies;
2. The specifics on the scope of the city inspection for owner and purchaser awareness and to minimize redundancy with the privately-commissioned inspection reports prepared as part of the resale transaction;
3. A list of unpermitted improvements disclosed during the city inspection that are waived from obtaining a retroactive permit(s);
4. Policies for fees for the report application, appeals, refunds and waivers; and
5. Measures to facilitate customer awareness and knowledge of the report program.

12.335.080 Delivery and receipt of report to purchaser. When completed, the report shall be made available to the seller (owner) or their authorized agent(s) who shall acknowledge receipt of the same. The owner or their authorized agent(s) shall deliver the report to the purchaser or transferee prior to the consummation of the sale. The purchaser or transferee shall execute an acknowledgment of receipt of the report and deliver a copy of said receipt to the community development department building division.

12.335.090 Appeals. The report results and/or findings may be appealed to the community development director by the owner or his or her authorized representative. All appeals must be filed in writing with the community development department within five working days of the date of issuance of the report and accompanied by an appeal fee as set forth and adopted in the city's master fee schedule. The community development director shall review and render a written determination on the appeal within ten working days of the filing date of the appeal.

12.335.100 Expiration and extension. The report of residential building record shall be valid for a period of six months from the date of issuance by the city. Prior to the expiration date of the report, the owner may request, and the city may issue one extension of up to three additional months. There shall be no fee for the issuance of the extension. In the event the property is not sold and is remarketed after the report has expired, a new report shall be requested and issued by the city.

12.335.110 Exceptions. The provisions of this chapter shall not apply to:

1. The first sale of any residential building if such sale is within a twelve-month period from the recordation of the notice of completion of the residential building;
2. A re-conveyance by a trustee pursuant to the provisions of a deed of trust;
3. A transfer of property made without valuable consideration (e.g., transfer by reason of death or transfer into or out of a revocable trust);
4. A transfer of property made solely between co-owners; and
5. The transfer of a mobile home or trailer occupying land pursuant to a mouth-to-mouth rental or annual lease agreement, which does not involve the transfer or conveyance of real property.

12.335.120 Compliance with law. No statements contained in a report of a residential building record issued by the city shall authorize the use or occupancy of any residential building contrary to the provisions of any law or ordinance. Every report issued under this chapter shall contain a provision stating that the issuance of such report shall not constitute a representation by the city that the property or its present use is or is not in compliance with the law, and that the report does not constitute a full disclosure of all material facts affecting the property or the desirability of its sale.

12.335.130 Failure to obtain a report. Except as provided in this chapter, it is unlawful for the owner of a residential building in the city to sell or exchange the same without first having obtained a report pursuant to this chapter and delivering it to the purchaser. Any person violating any of the provisions of this chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

CHAPTER 12.340 - UNREINFORCED MASONRY BUILDING MITIGATION PROGRAM

12.340.010 Purpose. The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on unreinforced masonry buildings. Such buildings have been widely recognized for sustaining life-hazardous damage, including partial or complete collapse during moderate to strong earthquakes. The provisions of this chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings. This chapter does not require alteration of existing electrical, plumbing, mechanical or fire safety systems unless they constitute a hazard to life or property. This chapter provides systematic procedures and standards for identification and classification of unreinforced masonry buildings based on their present use. Priorities, time periods and standards are also established under which these buildings are required to be structurally analyzed and repaired. Qualified Historical Buildings shall comply with the State Historical Building Code (SHBC) established under Part 8, Title 24 of the California Administrative Code.

12.340.020 Scope. The provisions of this chapter shall apply to all buildings which on the effective date of the ordinance codified in this chapter have unreinforced masonry bearing walls as defined in this chapter.

The building official, or his authorized representative, shall create and maintain a list of the existing unreinforced masonry buildings in the city. This list shall be kept current and additions and deletions of buildings from this list shall be made at any time changes in building status are determined.

Exception: This chapter shall not apply to detached one (1) family or two (2) family dwellings, detached apartment houses containing less than five (5) dwelling units and which are used solely for residential purposes, and warehouses.

12.340.030 Definitions. For purposes of this chapter, the applicable definitions in the Uniform Building Code shall also apply (for the purposes of this chapter, all references to the Uniform Building Code shall refer to the 1985 Edition):

1. "Essential building" means any building housing a hospital or other medical facility having surgery or emergency treatment areas; fire or police stations; municipal government disaster operation and communication centers.
2. "High risk building" means any building, not classified as an essential building, having an occupant load of one hundred (100) or more, as determined by Section 3302(a).

Exception: A high risk building shall not include the following:

- a. Any building having exterior walls braced with masonry cross walls or wood frame cross walls spaced less than forty feet (40') apart in each story. Cross walls shall be defined as walls having full story height with a minimum length of one and one-half (1 1/2) times the story height;
 - b. Any building used for its intended purpose, as determined by the building official, for less than twenty (20) hours per week.
3. "Medium risk building" means any building, not classified as a high risk building or an essential building, having an occupant load of fifty (50) occupants or more as determined by Section 3302(a).
 4. "Low risk building" means any building, not classified as an essential building, having an occupant load of less than fifty (50) occupants as determined by Section 3302(a).
 5. "Open front" is an exterior building wall plane on one (1) side only without vertical elements of the lateral force resisting system in one (1) or more stories.
 6. "Pointing" is the partial reconstruction of the bed joints of an unreinforced masonry wall as defined in U.B.C. Standard No.24.42.
 7. "Unreinforced masonry bearing wall" is a wall which provides the vertical support for a floor or roof for which the total superimposed load exceeds one hundred (100) pounds per linear foot of wall.

12.340.040 Rating classifications. The rating classifications shown in Table No. 12.340.040A below are established and each building within the scope of this chapter shall be placed in one (1) such rating classification by the building official. The total occupant load of the entire building as determined by Section 3302(a) shall be used to determine the rating Classification.

Exception: For the purpose of this chapter, any buildings, portions of which are constructed to act independently when resisting seismic forces, may be placed in separate rating classifications.

**TABLE 12.340.040A
Rating Classifications**

Type of building	Classification
Essential building	I
High risk building	II
Medium risk building	III
Low risk building	IV

12.340.050 General requirements. All buildings subject to the provisions of this chapter shall be seismically strengthened as follows:

1. Parapet bracing shall be provided except where adjacent structures will prevent parapets from falling away from buildings.
2. Floors and roofs shall be anchored to their supporting walls.
3. Open fronts shall be seismically braced.
4. Mortar joints shall be pointed.
5. Any special site-specific conditions felt by the building official of the designer to be an immediate hazard to public health and safety shall be corrected.

The design standard for compliance with the items listed in this section shall be in conformance with subsection (d) of this section.

Should a property owner wish to strengthen his building beyond the requirements of this section, such additional work shall comply with the requirements of subsection (d) of this section.

Unreinforced masonry buildings to be strengthened pursuant to items (1) through (5) of this section and subsection (c) of this section shall be designed and repaired in compliance with the applicable sections of Appendix Chapter 1 of the 1991 Edition of the Uniform Code for Building Conservation or other recognized standards acceptable to the building official. Deviations from these standards may be made if, in the opinion of the structural engineer and the building official, compliance with the standards would result in extreme hardship and the deviations are not likely to result in damage from earthquake forces that would injure occupants or passersby.

12.340.060 Administration.

Service of Order. The building official shall issue an order to the owner of each building within the scope of this chapter in accordance with the maximum time periods for service of such orders set forth in Table 12.340.060 A. The maximum time period for the service of such orders shall be measured from the effective date of the ordinance codified in this chapter.

**TABLE 12.340.060A
Service Priorities**

Rating Classification	Occupant Load	Maximum Time Periods for Service Order by City
I (Highest Priority)	Any	0
II	100 or more	180 days
III	50 to and including	2 years

	99	
IV (Lowest Priority)	Less than 50	2 years

12.340.060.1 Time Limits for Compliance. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official:

1. Within two hundred seventy (270) days after the service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this chapter; or
2. Within two hundred seventy (270) days after the service of the order, a structural analysis, plans, and a building permit application for the proposed structural alterations of the building necessary to comply with the minimum requirements of this chapter; or
3. Within two hundred seventy (270) days after the service of the order, plans for the demolition of the building.

12.340.060.2 After plans are submitted and approved by the building official, the owner shall obtain a building permit and commence and complete the required construction or demolition within the time limits set forth in Table 12.340.060 B. These time limits shall commence from the date the order is served in accordance with this section.

**TABLE 12.340.060B
Compliance Time Limits**

Required Action	Obtain Building Permit	Commence Construction	Complete Construction
Complete structural alterations or building demolition	1 year (from service of order)	180 days ¹	1 year ¹
1. Measured from date of building permit issuance. All the other time limits are measured from the date of the order.			

12.340.060.3 Contents of Order. The order shall be in writing and shall be served by certified or registered mail upon the owner as shown on the last equalized assessment, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Sections 12.340.5 and 12.340.6 which set forth the owner's alternatives and time limits for compliance.

12.340.060.4 Appeal from Order. The owner of the building may appeal to the city council, sitting as the board of appeals, the building official's initial determination that the building is within the scope of this chapter. Such appeal shall be filed with the board within sixty (60) days from the service date of the order described in Section 12.340.6. Any such appeal shall be decided by the board no later than sixty (60) days after the date that the appeal is filed. The appeal shall be made in writing upon appropriate forms provided

therefor, by the building official and the grounds thereof shall be state clearly and concisely. Filing of an appeal hereunder shall toll the time periods specified in subsection (b) of this section.

Each appeal shall be accompanied by a filing fee as set forth by resolution of the city council. Appeals or requests for slight modifications from any other determinations, orders or actions by the building official pursuant to this chapter, shall be made in accordance with the normal appeal procedures established in this code.

12.340.060.5 Recordation. At the time that the order is served, the building official shall file with the office of the county recorder a certificate stating that the subject building is within the scope of Chapter 12.340, Unreinforced Masonry Building Mitigation Program. The certificate shall also indicate that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where it is not found to comply with Chapter 12.340.

If the building is found not to be within the scope of this chapter, or as a result of structural alterations is found to be structurally capable of resisting minimum seismic forces required by this chapter, or is demolished, the building official shall file with the office of the county recorder a certificate terminating the status of the subject building as being classified within the scope of Section 12.34, Unreinforced Masonry Building Mitigation Program.

12.340.060.6 Program Status Reports to the City Council. The building official may submit an annual report to the city council on the status of the unreinforced masonry building mitigation.

CHAPTER 12.345 - WOOD-BURNING APPLIANCES

12.345.010 Purpose. The purpose of this chapter is to improve air quality within the county by regulating the type of wood-burning appliances that may be installed and maintained within the city.

12.345.020 Definitions. For the purposes of this chapter the following definitions shall apply:

1. "Bay area air quality management district" means the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code.
2. "EPA" means the United States Environmental Protection Agency.
3. "EPA certified wood heaters" means any wood heater that meets the standard in Title 40 Part 60.530 Subpart AAA Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.
4. "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance designed to be used with an air-to-fuel ratio greater than or equal to thirty-five is to one (35:1).
5. "Gas fireplace" means any masonry or factory-built fireplace in which a device that has been designed to burn natural gas or liquefied petroleum gas in a manner that simulates the appearance of burning wood has been permanently installed so the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.
6. "Insert" means any wood heater designed to be installed in an existing masonry or factory-built fireplace.

7. "Pellet-fueled heater" means any appliance that operates exclusively on solid fuel pellets
8. "Solid fuel" means wood or any other non-gases or non-liquid fuel.
9. "Wood-burning appliance" means a fireplace, wood heater, or pellet-fired heater or similar device burning solid fuel used for aesthetic or space-heating purposes.
10. "Wood heater" means an enclosed, wood-burning appliance that is not a fireplace capable of and intended for space heating that meets all the following criteria:
 - a. An air-to-fuel ratio in the combustion chamber averaging less than thirty-five is to one (35:1) as determined by the test procedures prescribed and approved by the building official;
 - b. A usable firebox volume less than twenty (20) cubic feet (0.57 cubic meters);
 - c. A minimum burn rate less than eleven (11) lb/hr (kg/hr); and
 - d. A maximum weight of less than one thousand seven hundred sixty (1,760) lbs. (eight hundred (800) kg).
11. "Wood stove" means a freestanding wood heater.

For the purpose of this chapter, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.

12.345.030 Exemptions. Wood-burning appliances specifically designed for cooking, outdoor fireplaces, gas and pellet-fueled appliances, and permanently installed or dedicated gas log fireplaces and wood-burning fireplaces legally installed prior to the effective date of the ordinance codified in this chapter, shall be exempt from all provisions of this chapter. The building official may approve an alternate wood-burning appliance, provided the building official finds that the proposed alternate appliance meets or exceeds the standards established for a EPA Phase II-certified wood heater.

12.345.040 Permit required. A building permit is required for the installation or replacement of any wood-burning appliance. Submittal for a building permit shall include documentation that the appliance is in compliance with the requirements of this chapter.

12.345.050 New construction, additions or remodels. Non-EPA Phase II-certified wood heaters or wood-burning fireplaces will not be allowed to be installed in new construction, additions or remodels of any size. Pellet-fueled and gas appliances will be allowed. Conversion of a gas fireplace to a wood-burning fireplace is prohibited.

12.345.060 Removal or replacement of non-compliant appliances upon remodel. A non-EPA Phase II-certified wood-burning appliance, with the exception of an existing wood-burning fireplace legally installed prior to the effective date of the ordinance codified in this chapter, shall be removed, rendered inoperable or replaced with a compliant appliance when:

1. The combination of the addition, alteration or remodeling exceeds fifty percent (50%) of the floor area of the existing structure, thereby constituting a substantial remodel; and
2. The appliance is located within the room or area of the renovation.

DIVISION 2 FINDINGS.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building

Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Building Code as adopted in Chapter 12.210 of the San Rafael Municipal Code; the Residential Code as adopted in Chapter 12.255; and the Existing Building Code as adopted in Chapter 12.230 are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

- a) Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Ana winds; all of which contribute to an elevated fire hazard.
- b) Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

II. Geologic conditions:

- a) San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b) Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

- a) Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply, making timely access, rescue and firefighting activities by emergency providers difficult.
- b) The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

CBC Section Numbers	Climatic, geological and topographical condition
903.2	<i>1a, 11a, 111a, 111b</i>
907.2.10.2.3	<i>1a, 11a, 111a</i>
1015.8	<i>1b, 11a</i>

1505.1	la, IIIa
1807	lb, IIa, IIb
3109	IIIa
3202.2.3	IIa, IIb, IIIb

CEBC Section Numbers	
406	lb, IIa

CRC Section Numbers	
R313.1	la, IIa, IIIa, IIIb
R313.2	la, IIa, IIIa, IIIb
R314.7.2	la, IIa, IIIa
R902.1	la, IIIa

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

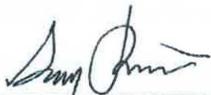
This Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. Section 15061(b)(3), 'general rule' provision).

DIVISION 4 SEVERABILITY.

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

DIVISION 5. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effective on January 1, 2020. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



 GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1974 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 4th day of November 2019 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 18th day of November 2019.



LINDSAY LARA, City Clerk

