

Ordinance No. 5217

Ordinance of the Council of the City of Palo Alto Repealing Chapter
16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a
New Chapter 16.05, California Mechanical Code, 2013 Edition, and
Local Amendments and Related Findings

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

SECTION 1. Chapter 16.05 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety 16.05 and adopting a new Chapter 16.05 to read as follows:

16.05 CALIFORNIA MECHANICAL CODE

16.05.010 2013 California Mechanical Code adopted.

The California Mechanical Code, 2013 Edition, Title 24, Part 4 of the California Code of Regulations together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

Unless superseded and expressly repealed, references in City of Palo Alto forms, documents and regulations to the chapters and sections of the former California Code of Regulations, Title 24, 2010, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2013. Ordinance No. 5100 of the City of Palo Alto and all other ordinances or parts of ordinances in conflict herewith are hereby suspended and expressly repealed.

Wherever the phrases "California Mechanical Code" or "Mechanical Code" are used in this code or any ordinance of the City, such phrases shall be deemed and construed to refer and apply to the California Mechanical Code, 2013 Edition, as adopted by this Chapter. One copy of the California Mechanical Code, 2013 edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.05.020 2013 California Mechanical Code Appendix Chapters adopted.

The following Appendix Chapters of the California Mechanical Code, 2013 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

- A. Appendix B– Procedures to be Followed to Place Gas Equipment in Operation
- B. Appendix C– Installation and testing of Oil (Liquid) Fuel-Fired Equipment
- C. Appendix D– Unit Conversion Tables

16.05.030 Cross - References to California Mechanical Code.

The provisions of this Chapter contain cross-references to the provisions of the California Mechanical Code, 2013 Edition, in order to facilitate reference and comparison to those provisions.

16.05.040 Violations -- Penalties.

Any person, firm or corporation violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in subsection (a) of Section 1.08.010 of this code. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as provided in this section.

16.05.050 Enforcement -- Citation authority.

The employee positions designated in this section may enforce the provisions of this chapter by the issuance of citations; persons employed in such positions are authorized to exercise the authority provided in Penal Code section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: (1) chief building official; (2) building inspection supervisor; and (3) code enforcement officer.

16.05.060 Local Amendments

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Mechanical Code, 2013 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.05.70 504.2.1 Kitchen Exhaust Makeup Air: Section 504.2.1 of the California Mechanical Code is added to read:

504.2.1 Kitchen Exhaust Makeup Air. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate and shall not negatively impact the California Energy Code supply air requirements of ASHRAE 62.2. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

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

SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA

Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

SECTION 4. This ordinance shall be effective on the commencement of the thirty-first day after the date of its adoption.

INTRODUCED: October 21, 2013

PASSED: November 18, 2013

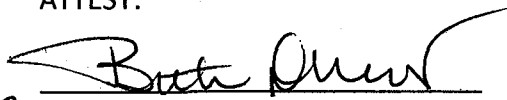
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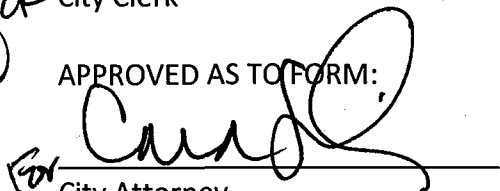
NOES:


ABSENT:

ABSTENTIONS:


ATTEST:



for City Clerk

APPROVED AS TO FORM:

for City Attorney


Mayor

APPROVED:


City Manager


Director of Development Services

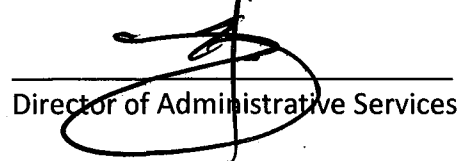

Director of Administrative Services

Exhibit A
FINDINGS FOR LOCAL AMENDMENTS
TO CALIFORNIA MECHANICAL CODE, 2013

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

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

Code: CMC			
Section	Title	Add	Justification (See below for keys)
504.2.1	Kitchen Exhaust Makeup Air	✓	C
Appendix B	Procedures to be Followed to Place Gas Equipment in Operation	✓	G
Appendix C	Installation and testing of Oil (Liquid) Fuel-Fired Equipment	✓	G

Key to Justification for Amendments to Title 24 of the California Code of Regulations

- C** This amendment is justified on the basis of a local climatic condition. The seasonal climatic conditions during the late summer and fall create severe fire hazards to the public health and welfare in the City. The hot, dry weather frequently results in wild land fires on the brush covered slopes west of Interstate 280. The aforementioned conditions combined with the geological characteristics of the hills within the City create hazardous conditions for which departure from California Building Standards Code is required.
- G** This amendment is justified on the basis of a local geological condition. The City of Palo Alto is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then on up the San Francisco Peninsula, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The other fault is Hayward Fault. This fault is about 74 mi long, situated mainly along the western base of the hills on the east side of San Francisco Bay. Both of these faults are considered major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.
- T** The City of Palo Alto topography includes hillsides with narrow and winding access, which makes timely response by fire suppression vehicles difficult. Palo Alto is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also the City of Palo Alto is located in an area that is potentially susceptible to liquefaction during a major earthquake. The surface condition consists mostly of stiff to dense sandy clay, which is highly plastic and expansive in nature. The aforementioned conditions within the City create hazardous conditions for which departure from California Building Standards Code is warranted.