



City of San Rafael Building Code Title 12





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The City of San Rafael Building Code is contained within the Municipal Code as Title 12. The Building Code, together with related information and applications necessary for construction, are available from the Community Development Department – Building Division. For information on other titles of the Municipal Code, please contact the Office of the City Clerk.

The City of San Rafael Building Code can also be found on the Building Division's home page on the Internet at www.cityofsanrafael/building/. Other titles of the Municipal Code can be found on the City Clerk's home page at www.cityofsanrafael.org/clerks/.

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The following is a summary of the City of San Rafael Council original adoption and revisions to Title 12 of the Municipal Code, City of San Rafael:

November 21, 2022 Code Adoption: ORDINANCE NO. 2022. An ordinance of the San Rafael City Council amending Title 12 (Building Regulations) of the Municipal Code of the City of San Rafael, by amending the 2022 California Green Building Standards Code for electric vehicle chargers; Amending the 2022 California Mechanical Code and the 2022 California Plumbing Code to limit fuel gas in existing single family homes and duplexes, and prohibit fuel gas in new construction with limited exceptions; and adopting findings of fact supporting the amendments to the codes. Proposed November 21, 2022. Passed December 5, 2022. Effective: January 4, 2023

November 7, 2022 Code Adoption: ORDINANCE NO. 2021. An ordinance amending Title 12 (Building Regulations) of the Municipal Code of the City of San Rafael, to Adopt by Reference the 2022 Edition of the California Building Code, the California Residential Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the California Existing Building Code, the California Green Building Construction Standards Code, the California Historical Building Code, the California Energy Code, and the California Referenced Standards Code, with Appendices and Amendments Herein; to Adopt by Reference the 2021 Edition of the International Property Maintenance Code and the International Swimming Pool and Spa Code, with Amendments Herein; Adopting Administrative and Program Provisions for the Codes; Adopting New Chapter 12.350 with Administrative and Program Regulations on Gate Safeguards; and Adopting Findings of Fact Supporting the Amendments to the Codes. Proposed November 7, 2022. Passed November 21, 2022. Effective: January 1, 2023

May 2, 2022 Code Amendment: ORDINANCE NO. 2009. An ordinance of City of San Rafael amending Chapter 12.200 and 12.255 of the San Rafael Municipal Code to make local amendments to California Building Codes to require that wood roofing be replaced by May 31, 2027. Proposed May 5, 2022. Passed May 16, 2012. Effective: June 15, 2022

November 4, 2019 Code Adoption: ORDINANCE NO. 1974. An ordinance amending Municipal Code, City of San Rafael Title 12 (Buildings Regulations) to adopt the 2019 versions of the California Building, Electrical, Energy, Green Building Construction Standards, Historical Building, Mechanical, Plumbing, and Residential Codes, and 2018 International Property Maintenance Code, and 2018 International Swimming Pool and Spa Code, together with Amendments to the

foregoing; and providing for other matters properly relating thereto. Proposed November 4, 2019. Passed November 18, 2019. Effective: January 1, 2020

November 7, 2016 Code Adoption: ORDINANCE NO. 1943. An ordinance of the City of San Rafael amending Title 12 of the Municipal Code of the City of San Rafael, by amending Chapters 12.12, 12.13, 12.14, 12.16, 12.20, 12.21 and 12.23 thereto; adding Chapter 12.22; adopting the California Building Code, 2016 Edition, with amendments; the California Residential Code, 2016 Edition, with amendments; the California Mechanical Code, 2016 Edition, with amendments; the California Plumbing Code, 2016 Edition, with amendments; the California Electrical Code, 2016 Edition, with amendments; the International Property Maintenance Code, 2015 Edition, with amendments; California Existing Building Code, 2016 Edition, with amendments; the California Green Building Standard Code, 2016 Edition, with amendments; adopting enforcement and penalties provisions for the foregoing codes; and adopting findings of fact supporting the amendments to the 2016 California Building Code, the 2016 California Existing Building Code, and the California Residential Code. 2016 Edition, with amendments; AND THE 2016 CALIFORNIA RESIDENTIAL CODE. Proposed November 7, 2016. Passed November 21, 2016. Effective: January 1, 2017

TITLE 12 – BUILDING REGULATIONS

CHAPTER 12.100 - ADOPTED CODES

12.100.010 Adopted codes. The following recognized codes are hereby adopted by City of San Rafael together with the supplements, listed changes, additions and deletions as noted:

1. 2022 Edition, California Building Code (“CBC”), chapters 2 through 28, 30, 31, 32, 33, 35 and Appendices C, H, I, N and O.
2. 2022 Edition, California Electrical Code (“CEC”).
3. 2022 Edition, California Energy Code (“CEgC”).
4. 2022 Edition, California Existing Building Code (“CEBC”), chapters 2 through 16 and Appendices.
5. 2022 Edition, California Green Building Construction Standards Code (“CalGreen”), chapters 1 through 8 and Appendices A4 and A5.
6. 2022 Edition, California Historical Building Code (“CHBC”).
7. 2022 Edition, California Mechanical Code (“CMC”) chapters 2 through 17.
8. 2022 Edition, California Plumbing Code (“CPC”), chapters 2 through 17 and Appendices A, C, D, and I.
9. 2022 Edition, California Referenced Standards Code.
10. 2022 Edition, California Residential Code (“CRC”), chapters 2 through 10, chapter 44, and Appendices H, J, K, O, Q, R, S, T, and X.
11. 2021 Edition, International Property Maintenance Code (“IPMC”) chapters 1 through 8 and Appendix A.
12. 2021 Edition, International Swimming Pool and Spa Code (“ISPSC”), chapters 2 through 11.

12.100.020 Local Design Criteria. The following are the local climatic and geographic design criteria:

Seismic Design Category: D/D2
Ground Snow Load (P_g): None
Weathering: Negligible

Climate Zone: 2
Termite Damage: Moderate to Heavy
Design Rainfall: 2”

Wind Exposure: C, unless site complies with definition for Exposure B.

Basic Design Wind Speed (V): Risk Category I: 85 mph;
Risk Category II: 90 mph
Risk Category III 95 mph
Risk Category IV: 120 mph.

12.100.030 Definition of words and terms. As used in the adopted codes and Title 12, inclusive, of the Municipal Code, City of San Rafael.

1. “Adopted codes” shall mean the codes listed in Section 12.100.10, as amended.
2. “Authority having jurisdiction” shall mean the chief building official or designated representative.
3. “Department” shall mean the San Rafael Building Division.
4. “FEMA” shall mean the Federal Emergency Management Agency.
5. “Jurisdiction” and other similar terms shall be construed to mean the City of San Rafael, California.
6. “SRMC” shall mean the Municipal Code, City of San Rafael.
7. “This code” shall mean the Building Code of the City of San Rafael.

12.100.040 Designation of the chief building official. Wherever the terms, "building official," "code official," "administrative authority," "chief building inspector," "chief electrical inspector," "building inspector," "authority having jurisdiction" and other similar terms that appear in the SRMC, or in those codes therein adopted by reference, they shall mean the "chief building official," or his designated representative.

12.100.050 Repeal of conflicting sections. All sections within the Municipal Code and those codes therein adopted by reference which are in conflict with the provisions of this chapter are hereby repealed.

CHAPTER 12.101 - GENERAL

12.101.010 Title. These regulations shall be known as the Building Codes of the City of San Rafael Building Code, hereinafter referred to as “this code”.

12.101.020 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

12.101.020.1 Appendices. Provisions in any appendices of the adopted codes shall not apply unless specifically adopted.

12.101.020.2 California Building Code. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the California Residential Code.

12.101.020.3 California Existing Building Code. The California Existing Building Code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings. This code shall apply to the repair, alteration, change of occupancy, addition and relocation of all existing buildings, regardless of occupancy, subject to the criteria of Sections 12.101.6.1 and 12.101.6.2.

12.101.020.4 California Mechanical Code. The California Mechanical Code shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.

12.101.020.5 California Plumbing Code. The California Plumbing Code shall apply to the installation, alteration, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, where connected to a water or sewage system, gas system, and all aspects of medical gas system. The provision of the California Plumbing Code shall apply to private sewage disposal systems.

12.101.020.6 California Residential Code. The provisions of the California Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures not more than three stories above the grade plane in height.

Exception: The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with IRC Sections R313:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the California Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility for five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility for five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care within a dwelling unit.

12.101.020.7 International Swimming Pool and Spa Code. The International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools, and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

12.101.020.7.1 Purpose. The purpose of this code is to establish minimum standards to provide a reasonable level of safety and protection of life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas.

12.101.030 Intent. The intent of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

12.101.040 Referenced codes. Any law cited in this code, including in the adopted codes as amended, shall be considered part of the requirements of this code to the prescribed extent of each such reference.

CHAPTER 12.102 - APPLICABILITY

12.102.010 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where the requirements of this code conflict with requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirement shall prevail.

12.102.020 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

12.102.030 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

12.102.040 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

12.102.050 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

12.102.060 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the

California Existing Building Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

12.101.060.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the California Building Code or California Residential Code, as applicable, for new construction or with any current permit for such occupancy.

12.101.060.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Fire Code, the California Existing Building Code, or the International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

CHAPTER 12.103 - DEPARTMENT OF BUILDING & SAFETY

12.103.010 Creation of enforcement agency. The Building Division is hereby created and established within the Community Development Department which shall be under the direction, control, and supervision of the chief building official.

12.103.020 Appointment. The building official shall be appointed by the city council upon recommendation of the city manager and shall serve at the pleasure of the council in the unclassified service of the city. The building official has such powers and shall perform such duties as are conferred upon him by the provisions of the California Code or as may be assigned by the city council.

12.103.030 Deputies and staff. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

CHAPTER 12.104 - DUTIES AND POWERS OF BUILDING OFFICIAL

12.104.010 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer, may prepare, sign and serve written citations pursuant to the provisions of Penal Code Section 836.5, and may otherwise enforce this code and related provisions in Title 1 of SRMC, pursuant to any applicable enforcement provisions therein, against all persons accused of violating the provisions of this code, related provisions in the SRMC, and any amendments to them. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

12.104.020 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

12.104.020.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings and structures located in a flood hazard area, the building official shall determine if the proposed work constitutes substantial

improvement or repair of substantial damaged, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.

12.104.030 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code. No person shall remove or deface any notice or order posted by the building official, except as authorized by the building official.

12.104.040 Inspections. The building official shall make required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

12.104.050 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

12.104.060 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry, including the warrant provisions of Section 1822.50 et. Seq. of the Code of Civil Procedure of the State of California.

12.104.070 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

12.104.080 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

12.104.080.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

12.104.080.2 Duty. Any duty created by this code or based on this code runs to the public, and no private cause of action is created by a breach of such duty. No document, certificate, inspection or approval given pursuant to this code may be construed to be a representation or warranty of any kind, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with this code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality of workmanship. The amount and quality of inspection and other services provided is discretionary with the building official and may vary in response to the amount of staff, their work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

12.104.090 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

12.104.090.1 Used materials and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Used equipment and devices shall not be reused unless approved by the building official.

12.104.100 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

12.104.100.1 Flood hazard areas. The Building Official shall not grant modifications to any provision required in flood hazard areas as established by CBC Section 1612.3 of this code unless a determination has been made that:

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

12.104.110 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. Alternative systems shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.

12.104.110.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

12.104.110.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence

of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

CHAPTER 12.105 - PERMITS

12.105.010 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

12.105.010.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official, which shall include an explanation and proof of the emergency.

12.105.010.2 Annual permit. Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

12.105.010.3 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

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

Building:

1. Nonhabitable one-story detached accessory structures on residentially zoned property or on a lot with an established principal residential use, used as tool and storage sheds, gazebos, playhouses, or similar uses, provided the floor area does not exceed 120 square feet (18.58 m²); and height does not exceed 15 feet (5 mm); and does not include electrical, mechanical, or plumbing; and meets required setbacks for a structure as defined in Title 14.
2. Residential fences not over 7 feet (2134 mm) high or masonry fenced walls not over 36 inches (914 mm) when outside the front yard or street yard and not used as swimming pools barriers. When in front yard or street yard must comply with requirements of Title 14.
3. Oil derricks.
4. Retaining walls or rockery walls that are not over 48 inches (1219 mm) in height measured from the bottom of the footing to the top of the wall. Walls must not support a surcharge or impound Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Patios, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, without foundations, and not over any septic system, basement or story below, and not part of an accessible route or means of egress.
7. Painting, papering, flooring, carpeting, counter tops and similar finish work. Striping or restriping of parking lots shall require a permit.
8. Temporary (not to exceed 180 days) motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, with no associated electrical, plumbing, or mechanical and comply with Title 14.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not project more than 24 inches (610 mm) into any setback and do not require additional support; Group R-3 and U occupancies only.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repair if the roof is less than 100 square feet (9.29 m²) or still under its one year warranty.
15. Replacement of doors when the opening, location, and casement remain the same, meets the adopted energy code requirements, meets the current safety glazing requirements, and has the same fire rating and closer requirements as the door being replaced.
16. Repair or replacement of garage doors when the opening size and location remain the same, no new electrical, meets the current safety glazing requirements, and installed per manufacturer's recommendations.
17. Decks not exceeding 200 square feet (18.58 m³) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a building, are not part of any path of egress and meets required setbacks as defined in Title 14.
18. Replacement of glazing or replacement of glazing in hazardous locations with tempered glazing.
19. Grading under 50 cubic yards (38.23 m³) pursuant to Title 14.

Electrical:

Repairs and maintenance:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Reinstallation of attachment plug receptacles, but not the outlets therefore.
3. Replacement of branch circuit over-current devices of the required capacity in the same location.
4. Repair or replacement of current carrying parts of any switch, contactor or control device.
5. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
6. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
7. Removal of electrical wire, coax or communication wire.
8. Replacement of light fixtures in single family and accessory structures.

Temporary uses:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Listed temporary construction lighting or wiring.
3. Carnivals and circuses.
4. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
5. Temporary wiring for experimental purposes in suitable experimental laboratories.

Electrical wiring, devices and appliances: Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe: provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The repair or replacement of residential sinks, lavatories, or water closets and their associated valves and traps, provided such do not require the modification, replacement or rearrangement of the water, waste, or vent pipes or require an electrical connection.

12.105.020.1 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

12.105.020.2 Public service agencies. A permit shall not be required for installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

12.105.030 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use and occupancy for which the proposed work is intended;
4. Be accompanied by construction documents and other information as required in Chapter 12.107;
5. State the valuation of the proposed work;
6. Be signed by the applicant, or the applicant's authorized agent; and
7. Give such other data and information as required by the building official.

12.105.030.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

12.105.030.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

12.105.040 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

12.105.050 Expiration. All building permits for the construction of buildings issued by the building official under the provisions of this code and the SRMC shall expire and become invalid 24 months after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 24 months each. The extension shall be requested in writing and justifiable cause demonstrated. All other permits including permits issued for fences, equipment replacements, and utilities, shall expire and become invalid 180 days after the date of issuance.

All work authorized by a permit that has expired must stop and may only continue upon application for and approval of either a renewal of the expired permit or a new permit. Renewal of a permit is prohibited if the work authorized by a permit is not commenced and inspected within the permit period after issuance or if any permit is not renewed within the renewal grace period after expiration.

Exception: The building official may allow an invalid permit to be renewed only upon a determination by the building official that unforeseen and extraordinary circumstances are established by the applicant and the other provisions of this Section 12.105.5 are satisfied.

12.105.050.1 New permits. Any new permit issued for the same purpose will require a new application and payment of all permit fees as required by this code existing at the time of application for new permit. New permits shall be governed by this code and any other applicable policy, regulation or law, local, state or federal, existing at the time of application for new permit.

12.105.050.2 Renewals. Renewals of an expired permit must be applied for within the renewal grace period from the permit expiration date and all additional fees paid. A renewal may be granted in writing by the building official only if the building official is satisfied that justifiable cause exists for a renewal or a site inspection by the building official establishes that all work is within the scope and is authorized by the and the work is not complete. Renewals shall extend the time of the permit from the date of expiration of the original permit or the last renewal. The renewals shall have the same duration as the original permit.

Exceptions: If the building official is satisfied with proof from the applicant of his active military service that prevented timely completion of the authorized work, the building official may grant a one-time extension for a reasonable period of time not to exceed 2 years at no cost to the applicant. If the authorized work is not completed within this extension of time, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

If at the time of expiration of the permit or its renewal the authorized work is in the final inspection stage as defined in Chapter 12.109, the building official may grant a one time 90-day extension at no cost. If work under this extension is not completed within the 90 days, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

12.105.050.3 Renewal limit. Permits may be renewed 3 times. After the expiration of the third renewal, the applicant shall apply for a new permit.

12.105.050.4 Renewal Grace Period. Building permits shall have a grace period of not more than 12 months from the expiration date of the permit. All other permits including fences, equipment replacements, and utilities, shall have a grace period of not more than 3 months from the expiration date of the permit.

Temporary permits for structures and uses shall not have a grace period and any extension to the permit shall comply with Chapter 12.107.

12.105.060 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever this code or any other applicable policy, regulation or law, local, state or federal, is violated, or whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

12.105.070 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project. The "Notification of Building Permit Issuance" placard shall be prominently posted and displayed on the front of the building or structure where the building permit activity occurs and shall be clearly visible from the street or right-of-way and shall remain in place for the duration of construction until the final inspection is passed.

CHAPTER 12.106 – FLOOR AND ROOF DESIGN LOADS

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

12.106.020 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by section 12.106.1 have been installed.

12.106.030 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

CHAPTER 12.107 - SUBMITTAL DOCUMENTS

12.107.010 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

12.107.020 Construction Documents. Construction documents shall be in accordance with Sections 12.107.020.1 through 12.107.020.8.

12.107.020.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

12.107.020.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC.

12.107.020.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

12.107.020.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

12.107.020.5 Exterior balconies and elevated walking surfaces. Where balconies and other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

12.107.020.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

12.107.020.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with CBC Section 1612.3.1.

12.107.020.7 Structural information. The construction documents shall provide the information specified in CBC Section 1603.

12.107.020.8 Relocatable buildings. Construction documents for relocatable buildings shall comply with CBC Section 3112.

12.107.030 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

12.107.030.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

12.107.030.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

12.107.030.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

12.107.030.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

12.107.030.5 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

12.107.040 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

12.107.050 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

CHAPTER 12.108 - TEMPORARY STRUCTURES AND USES

12.108.010 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

12.108.020 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

12.108.030 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the electrical code.

12.108.040 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

CHAPTER 12.109 - FEES

12.109.010 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment, renewal or an extension to a permit be released until the additional fee, if any, has been paid.

12.109.020 Schedule of permit fees. On buildings, structures, grading, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or renewal shall be paid required, in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

12.109.030 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

12.109.040 Plan review fees. When submittal documents are required by this code a plan review fee shall be paid at the time of submittal. The review fee shall be in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

12.109.050. Investigation fee. An investigation fee shall be collected in advance, whether or not a permit is then or subsequently issued, when any person commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits. The investigation fee is further set forth Section 12.114 hereof.

12.109.060 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

12.109.070 Refunds.

12.109.070.1 Refund of permit fees. The building official may authorize the refunding of not more than 80 percent of the permit fee when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code; and
2. A written application for a refund is submitted to the building official within 180 days after the date the permit was issued.

12.109.070.2 Refund of plan review fees. The building official may authorize the refunding of not more than 80 percent of the plan review fee when:

1. The application for a permit for which a plan review fee has been paid is withdrawn by the applicant before any plan reviewing is done; and
2. A written application for refund is submitted to the building official within 180 days after the date the application is withdrawn.

Exception: The building official shall refund 100 percent of the plan review fee paid pursuant to Section 12.109.040 if the building official requires the applicant to apply for a permit that is not required by this code.

12.109.070.3 Refund of master plan permit fees. The building official may authorize the refunding of not more than 80 percent of the permit fee for master plans when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code;
2. A written application for a refund is submitted to the building official within 180 days after the date the permit was issued; and
3. A new permit is paid for and issued for a different master plan

12.109.070.4 Refund of other fees. The building official shall refund 100 percent of any application fees tendered to the building official if no review is performed or if the application was received in error.

12.109.080 Witness Fee. Time spent in preparation for and/or in deposition or as an expert witness shall be reimbursed at the hourly rate in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council. The fee for the Building Official and managers within the department shall be twice the hourly rate as indicated.

12.109.090 Fees for Temporary or Partial Certificates of Occupancy. The fee for issuance of a temporary or partial certificate of use or occupancy in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council. If additional inspections are required prior to the issuance of the temporary or partial certificate, all costs of such inspections shall be paid by the applicant at the hourly rate in accordance with the Master Fee Schedule Resolution. If the temporary certificate of occupancy is not issued within 30 days from the application date, the application is void and a new application will be required.

CHAPTER 12.110 - INSPECTIONS

12.110.010 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

12.110.020 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

12.110.030 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 12.110.030.1 through 12.110.030.14.

12.110.030.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

12.110.030.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

12.110.030.3 Building elevation. In flood hazard areas, the elevations of the lowest floor, including crawl space and basement, the next higher floor, the attached garage floor, the lowest machinery or equipment serving the building, the lowest adjacent grade and the highest adjacent grad shall be certified by an engineer or land surveyor on a FEMA Elevation Certification. The completed certifications shall be submitted to the City Engineer for review and approval prior to the final inspection.

12.110.030.4 Exterior shearwall inspection. To be made prior to the application of exterior siding or cover.

12.110.030.5 Frame inspection. Framing inspections shall be made after the roof is complete, all framing, lathing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

12.110.030.5.1 Moisture content verification. Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code, Chapter 4, Division 4.5.

12.110.030.6 Insulation inspection. To be made after the frame inspection has been approved.

12.110.030.7 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel products inspections shall be made after lathing, gypsum board and gypsum board panel products, interior and exterior, is in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

12.110.030.8 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with CBC Section 1705.1.1, Item 3.

12.110.030.9 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

12.110.030.10 Energy efficiency inspections. Inspections shall be made to determine compliance with adopted energy code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

12.110.030.11 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.

12.110.030.12 Special inspections. For special inspections, see Chapter 17.

12.110.030.13 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

12.110.030.13.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required by CBC Section 1612.4 shall be submitted to the building official prior to final inspection.

12.110.030.14 Business license inspection. A business license inspection shall be required when there is a change in ownership, tenant or use of any building that requires the issuance of a business license by the City of San Rafael. This inspection will seek compliance with all applicable fire, health and safety laws and regulations but shall not be deemed to waive the requirements provided in this code and in the SRMC for change of use.

12.110.030.15 Additional inspections: When an inspection is scheduled by the applicant and the work or portion of the work is not complete or ready and requires additional inspections for approval, the building official may require the applicant to pay in advance for additional inspections before the work or inspections may continue. The fee for additional inspections is set forth in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

12.110.040 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

12.110.050 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

12.110.060 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

CHAPTER 12.111 - CERTIFICATE OF OCCUPANCY

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

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with section 12.105.020 of this Code.

12.111.020 Certificate issued. After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the building official, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. The name of the building official.
5. The edition of the code under which the permit was issued.
6. The use and occupancy, in accordance with the provisions of this code.
7. The type of construction as defined in this code.
8. The design occupant load, if applicable.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

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

12.111.040 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

CHAPTER 12.112 - SERVICE UTILITIES

12.112.010 Connection of service utilities. A person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

12.112.020 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

12.112.030 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval required by Section 12.112.010 or 12.112.020. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

CHAPTER 12.113 - BOARD OF APPEALS

12.113.010 General. There shall be and is hereby created a board of appeals to consider an order, decision or determination made by the building official for the purpose of correcting an error, omission or oversight relative to the application and interpretation of this code. The board shall be formed as needed. The request for appeal shall be filed in writing with the building department and be specific on issues to be reviewed.

12.113.020 Limitations on authority. The board of appeal shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. Concerning the other provisions of the code, the board shall not consider any matter de novo, but shall simply re-examine the decisions of the building official to determine whether such decisions are supported by substantial evidence, are reasonable, are not arbitrary, and are within the intent and purpose of this code.

12.113.030 Qualifications. The board of appeal shall consist of three members who are qualified by experience and training to pass on matters pertaining to building construction in the particular discipline at issue and are not employees of the jurisdiction. The board members shall be approved by the city council from a list of experts in the particular discipline, selected and approved by both parties. The board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to both parties.

Exception: Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

12.113.040 Limitations of time. The time within which a request for appeals must be made will be during the application process and active life of the permit.

12.113.050 Fee. A nonrefundable filing fee in accordance with the Master Fee Schedule Resolution must be paid upon filing a request for appeal.

CHAPTER 12.114 - VIOLATIONS

12.114.010 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, grade, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

12.114.020 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or land in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

12.114.030 Enforcement. If the notice of violation is not complied with promptly, the building official is authorized to institute or seek the institution of the appropriate measure or process to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or related provisions of the SRMC or of the order or direction made pursuant thereto. Such enforcement may include any combination of applicable enforcement actions authorized by this code and the SRMC, including without limitation prosecution as a misdemeanor. A separate offense may be charged for each day a violation is committed, continued, permitted or otherwise maintained.

12.114.030.1 Work commencing before permit issuance. Any person who commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to and pay an investigative fee in addition to the required permit fees, as well as be subject to any other applicable enforcement measures provided in this code. An investigation fee shall be collected in advance, whether or not a permit is then or subsequently issued. The investigation fee shall be three times the amount of the permit fee for that work and shall be in addition to the normal permit fees as specified in the Master Fee Schedule Resolution. The payment of such fee shall not exempt any person from compliance with all other provisions of this code and related provisions in the SRMC nor from any penalty prescribed by law. The building official may also require of any person working without a building permit to be responsible for the cost of third party inspection to insure that the project is completed in accordance with the applicable code and approved plans.

Exception: The building official may waive or reduce the investigative fee if the building official determines that a permit application has been pursued in a timely manner and in good faith, and it is in the best interest of the jurisdiction.

12.114.040 Violation penalties. Any person who violates a provision of this code or fails to comply with any provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

CHAPTER 12.115 - STOP WORK ORDER

12.115.010 Authority. Whenever the building official finds any work regulated by this code or related provisions of the SRMC being performed in a manner either contrary to the provisions of this code, related provisions of the SRMC or dangerous or unsafe, the building official is authorized to issue a stop work order.

12.115.020 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions, including any mitigation, under which the cited work will be permitted to resume.

12.115.030 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CHAPTER 12.116 - UNSAFE STRUCTURES AND EQUIPMENT

12.116.010 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe

structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

12.116.020 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

12.116.030 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

12.116.040 Method of service. Such notice shall be deemed properly served if a copy thereof is: delivered to the owner personally; sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

12.116.050 Restoration. Where the structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition, to the extent that repairs, alterations or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the California Existing Building Code.

CHAPTER 12.200 - CALIFORNIA BUILDING CODE AMENDMENTS

12.200.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.200.020 Amendments. The 2022 California Building Code is amended or modified as follows:

Amend Section 202 to read as follows:

The definition of "Kitchen or Kitchenette" is deleted and replaced in its entirety to read as follows:

KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food; washing and storing of dishware and utensils; and refrigeration and storing of food).

The definition of "Substantial Remodel" is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Amend Section 903.2 to read as follows:

903.2 Where Required. ~~Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through 903.2.21 and in all of the following:~~

1. Newly constructed buildings or facilities, except detached Group U occupancies not more than one thousand (1,000) square feet in floor area and provided with exterior wall and opening protection as per Table 602 of the California Building Code.
2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.
3. All other existing buildings, fire sprinkler systems may be required by the fire chief in accordance with the following:
 - 3.1. All buildings where improvements occur during any three (3) year period which cumulatively meet the definition of a substantial remodel.
 - 3.2. All buildings, except R-3 occupancies, in excess of three thousand (3,000) square feet which have more than ten percent (10%) floor area added within any three (3) year period. Exceptions may be granted by the fire chief when alternate means of protection are installed as approved by the fire code official.
 - 3.3. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than 50% of the square footage of the existing building.

- 3.4. Where fire sprinklers are required by provisions of this code, they shall be extended throughout the building.
4. All public storage facilities. Exceptions may be granted by the fire chief when alternate means of protection are installed as approved by the fire code official
5. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by this code.

Exception [Unchanged.]

Sections 903.2.1 through 903.2.17. [Unchanged.]

Amend Section 903.2.18 by deleting the exception.

Section 903.2.19 through 903.2.21. [Unchanged.]

Amend Section 909.2 by adding the following sentence at the end of the paragraph:

Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.

Amend Section 1015.2 by adding the following concluding sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Add Sections 1015.8.2 and 1015.8.3 to read as follows:

1015.8.2 Existing Hotels. The provisions of sections 1015.8 shall apply retroactively to all existing hotels.

1015.8.3 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Amend Section 1505.1 by deleting the last sentence and the referenced Table 1505.1.

Exception [Unchanged]

Section 1505.1.1 [Unchanged]

Amend Section 1505.1.2 to read as follows:

1505.1.2 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class ~~C~~A.

All roof coverings that are not at least Class A shall be a fire-retardant roof covering that is at least Class A by May 31, 2027.

Amend Section 1505.1.3 to read as follows:

1505.1.3 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall be a fire-retardant roof covering

that is least Class A and shall also comply with Section 705A.

Add Section 1807.4 to read as follows:

1807.4 Wooden retaining walls. Wooden retaining walls may not be used to support any building surcharge or vehicular way. In addition, wooden retaining walls shall not be employed to retain soils above or below a building where failure of the wall may subject the building to damage.

Amend Section 3110 to read as follows:

Section 3110 ~~Automatic Vehicular Gates~~

3110.1 General. Automatic vehicular gates shall comply with the requirements of Sections 3110.2 and 3110.3 and other applicable sections of this code. All other gates shall comply with Sections 3110.4 and other applicable sections of this code.

3110.2 Vehicular Gates Intended for Automation. Vehicular gates intended for automation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

3110.3 Vehicular Gate Openers. Vehicular gate openers, where provided, shall be listed in accordance with UL 325.

3110.4 All Other Gates. Any gate more than 48 inches (1219 mm) in width or more than 84 inches (2134 mm) in height shall meet the requirements of ASTM F1184, shall be installed per the manufacturer's recommendations, and shall be designed, constructed, and installed to meet all of the following:

1. Gate shall not fall over more than 45 degrees from a vertical plane when the gate is detached from supporting hardware.
2. Gate shall be balanced and not move under the gate's own weight or by gravity.
3. Rolling wheels shall be covered.
4. Gate shall have positive stops.

Amend Section 3202.2.3 to read as follows:

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be not less than 7 feet (2134 mm) 8 feet (2439 mm).

CHAPTER 12.210 - CALIFORNIA ELECTRICAL CODE AMENDMENTS

12.210.010 No amendment. The 2022 California Electrical Code is not amended or modified.

CHAPTER 12.220 - CALIFORNIA ENERGY CODE AMENDMENTS

12.220.010 No amendment. The 2022 California Energy Code is not amended or modified.

CHAPTER 12.230 - CALIFORNIA EXISTING BUILDING CODE AMENDMENTS

12.230.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.230.020 Amendments. The 2022 California Existing Building Code is amended or modified as follows:

Add Sections 505.2.1 and 505.2.2 to read as follows:

505.2.1 Existing Hotels. The provisions of section 406.2 shall apply retroactively to all existing hotels.

505.2.2 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

CHAPTER 12.235 - CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS

12.235.010 No amendment. The 2022 California Green Building Construction Standards Code is not amended or modified.

CHAPTER 12.240 - CALIFORNIA HISTORICAL BUILDING CODE AMENDMENTS

12.235.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Replacement language to the base code has been underlined.

12.235.020 Amendments. The 2022 California Green Building Standards Code is amended or modified as follows:

Delete Section 4.106.4.1 and replace in its entirety to read as follows:

4.106.4.1 New One- And Two-Family Dwellings and Town-Houses. For each dwelling unit, install a 40 ampere 208/240 volt dedicated EV branch circuit, capable of supporting Level 2 EVSE, terminating with a receptacle or an EV charger in close proximity to the vehicle charging area.

Delete Subsection 4.106.4.1.1 in its entirety.

Subsection 4.106.4.2 [unchanged].

Delete Subsection 4.106.4.2.1 and replace in its entirety to read as follows:

4.106.4.2.1 New Hotels and Motels. 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.** Ten (10) percent of total number of parking spaces on the 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 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 Electrical Code.

Exceptions: When EV chargers (Level 2 EVSE) or EV Ready are installed in a number greater than the minimum required, the EV capable spaces may be reduced by the same number.

2. **EV Ready.** Thirty-five (35) percent of total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. Conduit size and junction boxes for EV ready must be sized for Level 2 EVSE as in accordance with the California Electrical Code.

Exceptions:

1. Areas of parking facilities served by parking lifts.
 2. When EV chargers (Level 2 EVSE) are installed in a number greater than the required, the EV ready spaces may be reduced by the same number.
3. **EV Chargers.** Ten (10) percent of total number of parking spaces shall be equipped with Level 2 EVSE.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

Delete Subsection 4.106.4.2.2 and replace in its entirety to read as follows (subsection 4.106.4.2.2.1 remains unchanged):

4.106.4.2.2 New Multifamily Dwellings and New Residential Parking Facilities. 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 Ready.** Eighty-five (85) percent of total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit. Conduit size and junction boxes for EV ready must be sized for Level 2 EVSE as in accordance with the California Electrical Code.

Exceptions:

1. Areas of parking facilities served by parking lifts.
 2. When EV chargers (Level 2 EVSE) are installed in a number greater than the required, the EV ready spaces may be reduced by the same number.
2. **EV Chargers.** Fifteen (15) percent of total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40

amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

Subsection 4.106.4.2.2.1 [unchanged].

CHAPTER 12.245 - CALIFORNIA MECHANICAL CODE AMENDMENTS

12.245.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.245.020 Amendments. The 2022 California Mechanical Code is amended or modified as follows:

Amend Section 1301.1 to read as follows:

1301.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) for natural gas and 10 psi (69 kPa) for undiluted propane, other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA 31.

Exceptions:

1. Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation when required by the code, commercial kitchen for preparing food, commercial laundry for laundry, or in an approved industrial process.
2. Existing fuel gas and oil piping in one- and two-family dwellings may not be expanded unless overall gas use is reduced, unchanged, or is for additional attached housing.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for additional attached housing.

At the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project causing an insurmountable hardship.

CHAPTER 12.250 - CALIFORNIA PLUMBING CODE AMENDMENTS

12.250.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.250.020 Amendments. The 2022 California Plumbing Code is amended or modified as follows:

Amend Section 1201.1 to read as follows:

1201.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) for natural gas and 10 psi (69 kPa) for undiluted propane, other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA 31.

Exceptions:

1. Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation, commercial kitchen for preparing food, commercial laundry for laundry, or in an approved industrial process.
2. Existing fuel gas and oil piping in one- and two-family dwellings may not be expanded unless overall gas use is reduced, unchanged, or is for additional attached housing.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for additional attached housing.

At the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project causing an insurmountable hardship.

CHAPTER 12.255 - CALIFORNIA RESIDENTIAL CODE AMENDMENTS

12.255.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.255.020 Amendments. The 2022 California Residential Code is amended or modified as follows:

Amend Section R202 to read as follows:

The definition of "Kitchen" is deleted and replaced in its entirety to read as follows:

KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food; washing and storing of dishware and utensils; and refrigeration and storing of food).

The definition of "Substantial Remodel" is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Delete exception to Section R313.1 and amend Section R313.1 to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic sprinkler system shall be installed in all newly constructed townhouses and in existing townhouses where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a "Substantial Remodel" as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portions of the building irrespective of the size of the addition.

R313.1.1 [Unchanged]

Amend Section R313.2 to read as follows:

R313.2 One-and two-family dwellings automatic fire systems. An automatic sprinkler system shall be installed in all newly constructed one- and two-family dwellings and in existing one- and two-family dwellings where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a "Substantial Remodel" as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portions of the building irrespective of the size of the addition.

R313.2.1. [Unchanged]

Amend Section R313.3.1.2 by deleting exception #4.

Amend Section R314.7.2 by adding the following:

Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that no longer function shall be replaced. Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.

Amend Section R902.1.2 to read as follows:

R902.1.2 Roof coverings in all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class ~~C~~A and shall also comply with Section R337.5.

All roof coverings that are not at least Class A shall be a fire-retardant roof covering that is at least Class A by May 31, 2027.

Amend Section R902.1.3 to read as follows:

R902.1.3 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall be a fire-retardant roof covering that is at least Class A and shall also comply with Section R337.5.

CHAPTER 12.260 – INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS

12.260.010 General. For purpose of this Chapter only:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.260.020 Amendments. The 2021 International Property Maintenance Code is amended or modified as follows:

Delete Sections 101.1, 103, 104, 106, 107, and 108.

Amend Section 111.4 to read as follows:

111.4 Notice. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section ~~111.4.1 and 111.4.2~~ 1.08.060 of the San Rafael Municipal Code to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

Delete Section 111.4.1 and 111.4.2.

Amend Sections 112.2, 112.3 and 112.4 to read as follows:

112.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official ~~shall~~ may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

112.3 Closing streets. When necessary for public safety, the code official ~~shall~~ may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

112.4 Emergency repairs. For the purposes of this section, the code official ~~shall~~ may employ the necessary labor and materials to perform the required work as expeditiously as possible.

Amend Section 113.1 to change "two years" to "one year" in the first sentence.

Amend Section 113.2 and 130.3 to read as follows:

113.2 Notices and orders. Notices and orders shall comply with ~~Section 111.4~~ Chapter 1.46 of San Rafael Municipal Code.

113.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official ~~shall~~ may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Amend Section 202 to read as follows:

The definition for "Code Official" is added as follows:

CODE OFFICIAL. Where used in this code, the term code official shall mean the code enforcement supervisor or the building official of the City of San Rafael, and their designees.

Amend Section 302.4 to read as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens. [Rest of section to remain unchanged.]

Amend Section 304.14 to read as follows:

304.14 Insect Screens. ~~During the period from [DATE] to [Date] every~~ Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception [Unchanged.]

Amend Section 308.2.2 to add these words to the end of the sentence:

or securing the doors in an approved manner.

Amend Section 308.3.1 by adding the following:

Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.

Amend Section 308.3.2 by adding the following:

Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or other waste receptacle within the public right-of-way other than on the day of removal service. Such waste receptacles shall be stored out of public view on non-service dates, whenever practical, or stored nearest the main structure.

Amend Section 602.3 to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from [DATE] to [DATE]~~ to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions [Unchanged.]

Amend Section 602.4 to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat ~~during the period from [DATE] to [DATE]~~ to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions [Unchanged.]

CHAPTER 12.265 – INTERNATIONAL SWIMMING POOL AND SPA CODE AMENDMENTS

12.265.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.265.020 Amendments. The 2021 International Swimming Pool and Spa Code is amended or modified as follows:

Amend Section 202 to add the following definition:

PRIVATE SWIMMING POOL means a swimming pool or pool located at and intended primarily for the use of the occupants of a single or two-family dwelling unit.

Amend Section 301 by adding the following:

301.2 Existing swimming pools. Any person who owns or is in possession of an existing private swimming pool that does not conform to the requirements of this section shall make the pool conform to the requirements of this section within ninety (90) days from its effective date.

Exceptions: The chief building official is hereby authorized to exempt any private swimming

pool from the provisions of Health and Safety Code section 115922:

1. If it is secured from unauthorized entry by a natural or artificial barrier that provides the same or a greater degree of protection than would an enclosure.

An application for exception shall be filed in writing with the chief building official. The application shall contain a brief statement evidencing that the applicant is entitled to the exception and such other information as the chief building official may prescribe.

Delete Section 302.

Amend Section 305 by deleting all provisions and replacing them in their entirety with the following:

305.1 General. Pool barriers and enclosures shall meet the requirements of the California Swimming Pool Safety Act. The text in CBC 3109.2 contains the statutory language that is required to be duplicated and published in California Code of Regulations, Title 24. As such the section numbers reflect those within the Health and Safety Code.

305.2 Enclosure required for private swimming pools. Every person who owns or is in possession of any land on which there is situated a private swimming pool shall secure the pool from unauthorized entry by an enclosure that meets all of the requirements of Health and Safety Code section 115923. The enclosure shall be specifically designed to prevent unauthorized entry from adjacent private and/or public property. This enclosure shall be in addition to the "safety features" required by Health and Safety Code section 115922.

CHAPTER 12.300 - ADDRESSING OF BUILDINGS AND PROPERTIES

12.300.010 General. Regulations regarding address numbers of residential and commercial buildings and properties.

12.300.020 Intent. The purpose of this regulation is to provide minimum standards under which the city can provide a logical and consistent system for addressing which is easily recognizable by emergency response personnel and others trying to locate an address. The regulations and standards prescribed in this section shall be followed for address assignment or reassignment.

12.300.030 Duty of owner or agent. Every property owner or agent thereof, shall apply for and receive from the building official an assigned address number for every residential, multi-residential, and every commercial building located within the City of San Rafael which does not have address numbers complying with the provisions this code.

12.300.040 Duty of the building official. It shall be the duty of the building official or his designee to decide on a number and assign addressing in conformance with this code and the recognized standards of the City. Whenever the building official has knowledge of any violation of this chapter, the building official may notify and direct the property owner to correct the violation within 30 days. If the owner cannot be located, the agent or occupant of the premises where said violation occurs shall be notified. If after 30 days the complaint has not been corrected, the building official may act to enforce this chapter.

12.300.050 Standards. The recognized standards used to determine the location, method or configuration of the addressing used by City are the recommended address standards.

12.300.060 Unlawful use of numbers; size of figures. All buildings shall have the assigned address numbers posted. It shall be unlawful for any person, whether the owner or occupant of the building or any apartment therein, to place, maintain or allow to remain thereon, any number other than the one required by this section. The address number shall be posted in the location specified in this code. The required, posted numbers shall be Arabic numerals and be visible from the street.

1. Residential dwellings shall have numbers not less than 4 inches in height with a proportionate width.
2. All commercial buildings shall have numbers not less than 6 inches in height with a proportionate width. For multi-tenant buildings, assigned unit numbers 4 inches in height may be posted on the doors in lieu of the street number provided that the street address is posted in a location that is clearly visible and distinguishable from the unit numbers.
3. The address number shall be a lighted sign or shall be at a minimum constructed with a contrasting color and background or with a reflective surface. All numbers shall be made of substantial and permanent material and shall be so placed or fixed so as not to be easily effaced or removed.
4. The assigned address must be posted for all buildings or structures under construction.

12.300.070 Location. Residential address numerals shall be posted to the immediate left of the front door of the dwelling, unless the garage is the furthest projecting building element, then the numerals shall be posted to the immediate left of the garage door. When such location is not visible from the street or access roadway fronting such residential dwelling, the required numerals shall be posted on a sign at the driveway entrance on the road which it departs. The sign shall not be located within the road right-of-way and shall be mounted to a minimum 4x4-redwood post or equivalent, set to a height range of 42 inches to 60 inches.

Commercial address numerals shall be posted over the main entrance doors, as well as on the rear door of the business. For multi-tenant buildings, assigned unit numbers may be posted on the front doors in lieu of street address, provided that the street address numerals are posted in locations that are clearly visible and distinguishable from the unit numbers. When such location is not visible from the street or roadway

fronting such commercial building, the required numerals shall be at a location and a size specified by the Public Works Department and the Fire Department.

12.300.080 Use of odd and even numbers. For streets running east and west, all buildings located on the north side shall be numbered with odd numbers and all buildings located on the south side shall be numbered with even numbers. For streets running north and south, all buildings located on the west side shall odd numbers and all buildings located on the east side shall be numbered with even numbers.

12.300.090 Allotment of numbers. The City's address system is based on the grid system outlined within recognized standards. The City shall have 1,000 addresses per mile, or 528 feet per hundred block and shall be in numerical sequence beginning from the baseline. Some neighborhood areas may have a baseline different than noted above and such baseline is isolated to that specific geographic area. When assigning the address numbers, the middle of a structure shall determine the address number or driveway at the discretion of the building official.

12.300.100 Retention of old numbers; limitation. Whenever any property owner or agent of any property owner has been notified to change the numbers of the building, the old numbers may be temporarily retained, in addition to the new numbers. In no case shall the old numbers be retained for a period longer than 60 days after the final notice to change has been mailed.

12.300.110 Additional numbering on curbs permissible. A person or agent thereof, owning any building otherwise in compliance with the above provisions of this chapter, may pursuant to this section, paint or cause to be painted upon the curb the address number of such building. The number shall be located on the outer (street) side of the city curb located in front of said building, and within the extended property lines. No other number or letter shall be used. The use of curb numbering authorized by this section is not required, nor shall it take the place of those requirements for numbering set forth above. All building numbers placed on curbs shall be of good quality black enamel paint, nearly centered upon a 16 inch background of good quality white outdoor reflective paint. The curb numbers themselves shall be 4 inches high and formed by use of standard stencil series "C". Whenever possible, when the property is serviced by one or more driveways, the curb numbers shall be placed not less than one foot and not more than three feet from the driveway edge nearest the main front entrance to the building. Curb numbers permitted by this section shall not be painted on any curb when such painting or numbering would conflict with any required restricted curb zones set forth by the Public Works Department, including the "blue," "red," "yellow," "green," "white," and "orange" zones.

Every person desirous of painting house numbers on curbs as a business venture or in conjunction with any business venture shall have obtained a city business license.

It is unlawful for any person, firm, partnership, corporation or other association to paint or cause to be painted any house number on a curb without first having obtained the permission of the owner or occupant of the property adjacent to the curb.

CHAPTER 12.310 - APARTMENTS AND HOTELS - PERIODIC HOUSING INSPECTION PROGRAM AND CARETAKER REQUIREMENTS

12.310.010 Declaration of purpose. The council finds that the establishment of a periodic housing inspection program for apartments and hotels, and the specification of caretaker requirements for apartments, is necessary to protect the public health, safety and welfare, by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions in such housing, and by preventing conditions of deterioration and blight in such housing that could adversely affect economic conditions and the quality of life in the city.

12.310.020 Definitions. The following words and phrases whenever used in this chapter shall be construed as defined in this section:

1. "Apartment" means any building or buildings, located on one parcel of property, containing three (3) or more rental dwelling units as defined in [Section 14.03.030](#) of this code.
2. "Hotel" means any building or buildings, located on one parcel of property, containing six (6) or more guest rooms, intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.
3. "Guest" is any person hiring or occupying a room for living or sleeping purposes.
4. "Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes.
5. "Occupant" means a person occupying a dwelling unit in an apartment or a guest occupying a guest room in a hotel.
6. "Owner" means the record owner of the property on which an apartment or hotel is located, as shown on the official records of the county assessor for the county of Marin, or the person or persons who own the business operating the hotel or apartment if different than the record owner of the property.

Words and phrases used in this chapter, but not specifically defined herein, shall have the meanings stated elsewhere in this code or in the adopted codes. Where not defined in this chapter or this code, words and phrases used in this chapter shall have the meaning generally prescribed by dictionary definition.

12.310.030 Periodic housing inspections. Every owner of an apartment or hotel located within the city of San Rafael shall permit the city's periodic inspection of the apartment and hotel, and the property on which such apartment or hotel is located, following notice from the city. The community development director, or his or her designee, shall cause each apartment and hotel to be inspected by the city's code enforcement officials once every five (5) years, or more frequently as needed, to ensure compliance with all applicable city ordinances or other laws relating to such housing, including the substandard housing provisions of this code.

12.310.040 Scope of chapter. This chapter shall not apply to:

1. A dwelling unit occupied by the record owner of the property on which the dwelling unit is located, as shown on the official records of the county assessor for the county of Marin;
2. A dwelling unit in a residential condominium as defined in San Rafael Municipal Code Section 15.50.020(b);
3. Housing accommodations in any hospital; state-licensed community care facilities; housing accommodations in any convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facilities; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by students;
4. Housing accommodations which a government unit, agency or authority owns, operates or manages, or which are specifically exempted from municipal regulation by state or federal law or administrative regulation. This exception shall not apply once the governmental ownership, operation, or management regulation is discontinued;
5. Mobile homes, or mobile home parks, or recreation vehicles, or recreational vehicle parks as defined in California Civil Code and California Health and Safety Code.;
6. Housing accommodations in buildings that have been vacated and secured against entry to the satisfaction of the city.

12.310.050 Complaint-based inspections. Nothing contained herein shall prevent or restrict the authority of the city's code enforcement officials to inspect any apartment or hotel, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such an apartment or hotel, and to pursue all code enforcement remedies permissible under this code or other laws following such a complaint-based inspection of an apartment or hotel.

12.310.060 Notices. The community development director, or his or her designee, shall give a minimum of five (5) business days advance written notice of the date and time of the periodic inspection to the owner of the apartment or hotel and to the occupants thereof. Such notice shall provide the address and phone

number where additional information concerning the inspection may be obtained. Notice to the owner of the apartment or hotel shall be mailed by first class mail to the owner's last known address as it appears in the records of the county assessor. Notice shall be given to the occupants of the apartment or hotel by posting an official notice of such inspection in a public area on the premises of such apartment or hotel.

12.310.070 Right of entry. Upon presentation of proper credentials, the city's code enforcement officials, after having obtained the consent of the owner of the apartment or hotel, or of the occupant, may enter the apartment or hotel at reasonable times during daylight hours to perform the inspection. If consent for such an inspection is refused or cannot be obtained, the city's code enforcement officials are authorized to obtain an inspection warrant to conduct such an inspection pursuant to Code of Civil Procedure Sections 1822.50 et seq.

12.310.080 Violations. If an inspection of an apartment or hotel, or the premises thereof, conducted pursuant to this chapter reveals the existence of any violations of applicable city ordinances or other laws relating to such housing, including the substandard housing provisions, the city's code enforcement officials may seek to remedy such violations as permitted by law, including the provisions of Chapters [1.42](#), [1.44](#) or [1.46](#) of this code.

12.310.090 Certificate of compliance. Following completion of an inspection of an apartment or hotel and correction of any violations of applicable city ordinances or other laws related to such housing, the city shall issue to the owner a certificate of compliance indicating satisfaction of the provisions of this chapter as of the date of such certificate.

12.310.100 Inspection fee. The city may collect from any owner of an apartment or hotel, for which the owner is receiving compensation from the occupants, an annual housing inspection fee sufficient to cover the city's administrative costs and expenses for the periodic housing inspection program provided in this chapter. The annual housing inspection fees shall be established by resolution adopted by the city council pursuant to the provisions of [Chapter 3.34](#) of this code. The city may collect the annual housing inspection fees by billing the owners directly for the amount due or by collecting the amount due from the owners as part of their property tax bills issued by the county tax collector pursuant to an agreement between the city and the county of Marin.

12.310.110 Failure to pay inspection fee. If the owner of an apartment or hotel fails to pay the annual housing inspection fees as provided hereunder, the city may recover the unpaid fees, plus accrued interest at the maximum rate permitted by law, from the owner in a civil action in which the city may be entitled to recover its reasonable attorney's fees. Alternatively, the city may record a lien for any unpaid annual housing inspection fees against the property to which the fees relate in the manner provided in Section 12.310.120.

12.310.120 Housing inspection fee lien. Prior to recording a lien for unpaid annual housing inspection fees against a property, the community development director, or his or her designee, shall prepare and file with the city clerk a report identifying the property, the owner, and the amount of a proposed housing inspection fee lien to cover such unpaid fees.

The city clerk shall fix a time, date and place of hearing said report and any protests or objections thereto by the city council and shall cause written notice of such hearing to be served on the owner not less than ten (10) days prior to the date of such hearing. Notice shall be given by regular first-class mail addressed to the owner at the last known address as shown on the records of the county assessor for the county of Marin.

After conducting the hearing, the city council shall adopt a resolution confirming, discharging, or modifying the amount of the proposed housing inspection fee lien.

The city clerk shall cause to be recorded in the county recorder's office a notice of housing inspection fee lien to which the city council's supporting resolution shall be attached. Such notice shall specify the amount of the lien, the name of the city of San Rafael on whose behalf the lien is imposed, the street address, legal

description, the assessor's parcel number of subject property and name and address of the owner as shown on the records of the county assessor for the county of Marin. Upon recordation of such notice of housing inspection fee lien, it shall attach as a lien against the subject property and shall have the same effect and priority as recordation of an abstract of judgment.

Upon receiving a report from the director of management services that payment in full has been received by the city of the amount specified in the notice of housing inspection fee lien, the city clerk shall record a notice of satisfaction of the inspection fee lien with the county recorder. Recordation of such notice of satisfaction shall cancel the city's lien against the property.

12.310.130 Caretaker requirements for apartments. Regardless of the number of dwelling units in an apartment, the owner shall post in a conspicuous public place on the premises of the apartment a notice containing the name, address and telephone number of the resident caretaker or resident owner who is responsible for management of the apartment, or of the nonresident owner or nonresident owner's agent who is responsible for management of the apartment.

In any apartment with sixteen (16) or more dwelling units, a caretaker employed by the owner shall reside upon the apartment premises and shall be responsible for management of the apartment, unless the owner resides upon the premises and has assumed such management responsibility. Alternatively, in any apartment with sixteen (16) or more dwelling units, there shall be a designated caretaker's office which shall be staffed during the hours of eight a.m. (8:00 a.m.) to five p.m. (5:00 p.m.) by the owner or a caretaker employed by the owner and responsible for management of the apartment during such hours, and there shall be a posted telephone number for the owner or the owner's agent, to which a telephone complaint may be made during all other hours, a response to which shall be made within a reasonable time period.

CHAPTER 12.315 - EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

12.315.010 Purpose. The purpose of this section is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts due to the installation and use of such charging stations. This chapter implements California Government Code Section 65850.7.

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

1. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built and installed in compliance with Article 625 and other general requirements of the California Electrical Code in effect at the time of installation and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
2. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or condition as they existed on the date the application was deemed complete.
3. "Electronic submittal" means the utilization of one or more of the following: electronic mail or email, the internet, or facsimile.
4. 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 imposed on an application for a permit.

12.315.030 Expedited permit process. The building official shall develop, maintain and administer an application checklist of all requirements for which electric vehicle charging stations shall comply in order to be eligible for expedited review. The application checklist shall be published and made available on the city website. The checklist shall include information on how and where to file an application including instructions for electronic submittal, necessary worksheet, and an application form.

12.315.040 Permit application processing. The city building division shall make every attempt to review

and approve for permit issuance all applications for electric vehicle charging stations in an expedited fashion when completed applications are received which meet all the requirements of the application checklist, as follows:

1. The city shall administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit.
2. For outdoor electric vehicle charging stations that are not attached to a building, zoning review and clearance from the planning division shall be required prior to the issuance of a building permit or similar nondiscretionary permit. Single-family residences are exempt from this zoning review and clearance.
3. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether the application meets all health and safety requirements of local, state, federal law, and the local utility authority. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.
4. Upon city confirmation that the application and supporting documents are complete and meet the requirements of the federal, state and local codes, the city shall approve the application and issue all required permits or authorizations.
5. In the event the application and supporting documents are incomplete, the city shall issue a written correction notice to the applicant detailing all deficiencies in the application and list any additional information required to be eligible for expedited permit issuance.
6. In the event the building official, in consultation with the community development director, makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city may require the applicant to apply for a use permit, which shall be subject to the following:
 - a. An application for a use permit shall be filed and processed pursuant to Title 14 (zoning) of this Code. The city zoning administrator shall conduct the required public hearing and take action on the use permit application.
 - b. The zoning administrator may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings 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 promises 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 99	2 years
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.

CHAPTER 12.350 – GATE SAFEGUARDS

12.350.010 - 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 gates detaching from supporting hardware or gates not being well maintained or inspected. The city finds it necessary to require gates to be inspected periodically by a professional and record keeping to ensure the basic life safety of the public.

12.350.020 - Definitions. For the purposes of this chapter, the following definitions shall apply:

1. "Property owner" means and includes, without limitation, the fee owner(s) of real property, their agents, or the person(s) in possession of the real property.
2. "Gate inspector" means any licensed fence installer, licensed automatic system installer, ICC certified building inspector, licensed architect, or licensed engineer.
3. "Written certification" means a document signed and/or stamped by a gate inspector attesting that the inspector performed an in-person inspection of the gate and based on that inspection has determined that the gate meets all of the standards set forth in this chapter, the gate has been maintained, and the gate is in good working order. In addition, the document shall include the following:
 - a. Inspection date.
 - b. Site address.
 - c. Name of the property owner.
 - d. Contact information of inspector.
 - e. Signature and/or stamp of the inspector.

12.350.030 - Scope. The provisions of this chapter shall apply to all vehicular gates and any gate more than 48 inches (1219 mm) in width or more than 84 inches (2134 mm) in height.

12.350.040 - General requirements. Gates shall meet the requirements of ASTM F1184 and Section 3110 of Chapter 12.200.020 of this code. Gates with operators or similar systems shall also meet the requirements of UL 325 and ASTM F2200.

12.350.050 - Maintenance and inspection. The Property owner shall keep all gates on the property well maintained and in good working order. The property owner shall have or cause to have all gates on the property inspected by a gate inspector and obtain a written certification at least once every five (5) years. The property owner shall keep a copy of the most recent written certification for each gate and make it available to the building official upon request.

12.350.060 - Time limits for compliance. The property owner shall bring all gates existing as of the effective date of this ordinance into compliance with the provisions of this chapter, and obtain a written certification for each gate, by July 1, 2025 and at least once every five (5) years thereafter. The property owner of a new gate installed after the effective date of this ordinance shall immediately comply with the provisions of this chapter and obtain a written certification upon installation of the gate and at least once every five (5) years thereafter.