# TITLE 10 - BUILDING REGULATIONS

Articles:

## ARTICLE 1 - GENERAL PROVISIONS

Chapters:

## *CHAPTER 10.04 - ADMINISTRATION.*

Sections:

### 10.04.010 - Title.

These regulations shall be known as the Building Regulations of the County of San Mateo (hereinafter referred to as "these Regulations").

### 10.04.020 - Scope.

The provisions of these Regulations shall apply to the construction, alteration, relocation, 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 and the parcel of land upon which they may be situated through the use of Title 24 of the California Code of Regulations ("CCR").

### 10.04.030 - Intent.

The purpose of these Regulations is to adopt and provide administration and enforcement of the California Building Code, California Residential Code, California Fire Code, California Historical Building Code, California Existing Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Energy Code, California Green Building Standards, International Property Maintenance Code and the California Referenced Standards Code, and local amendments. These Regulations also provide administration of expedited permitting of Small Residential Solar Systems and Electric Vehicle Charging Stations.

### 10.04.040 - Violations and Penalties.

a. It shall be unlawful for any person, firm, or corporation to erect, install, construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure, equipment, or parcel of land therein regulated by these Regulations or the construction codes, or cause the same

to be done, contrary to or in conflict with or in violation of any of the provisions of said Regulations or Codes. Any person, firm, or corporation violating any of the provisions of these Regulations or the construction codes shall be deemed guilty of a misdemeanor.

b. Notwithstanding any other provision of these Regulations, whenever violation of any section contained in these Regulations is punishable as a misdemeanor, the prosecuting attorney having jurisdiction to prosecute said misdemeanor, may specify that the offense is an infraction and proceed with prosecution as an infraction, unless the defendant, at the time of their arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.

c. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

d. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

e. Chapter 1.40 (Administrative Remedies) of the San Mateo County Ordinance Code may be used to address violations of these provisions.

f. In addition to the penalties set out in these Regulations, any condition caused or permitted to exist in violation of any of the provisions of these Regulations shall be deemed a public nuisance and may be summarily abated as such, and each day such condition continues shall be regarded as a new separate offense.

## 10.04.050 - Building Official.

The term “Building Official” shall refer to the Director of the Planning and Building Department who may delegate these administration and responsibilities to the Building Inspection Manager and/or other inspectors or technicians

as necessary. Wherever these Regulations or the construction codes use the term "Administrative Authority," "Authority Having Jurisdiction," "Responsible Official," "Code Official," "Chief Inspector," "Floodplain Administrator," they shall be construed to mean the "Building Official" as defined herein.

## 10.04.060 - Duties And Power Of The Building Official.

The responsibilities of the Building Official are as follows:

a. Except as otherwise provided herein to be delegated to another official, the Building Official is hereby authorized and directed to enforce all of the provisions of these Regulations and the construction codes within the unincorporated areas of San Mateo County.

b. Whenever necessary to make an inspection to enforce any of the provisions of these Regulations, or whenever the Building Official or authorized representative has reasonable cause to believe that there exists in any building upon any premises any condition which makes such building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official; provided that if such building or premises be occupied, proper credentials shall first be presented and entry demanded; and if such building or premises be unoccupied, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, promptly to permit authorized entry therein by the Building Official or authorized representative for the purpose of inspection and examination pursuant to these Regulations. Any person violating this subsection shall be guilty of a misdemeanor.

c. Whenever any building work or installation work is being done contrary to the provisions of these Regulations and the construction codes, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed therewith.

If the person or occupant or any other person having charge, care, or control of any building or premises to whom the Stop Work Order is directed fails to comply therewith, the Building Official may:

1. Request that the Board of Supervisors direct the County Counsel to seek appropriate civil remedies to ensure compliance.

2. Request that the District Attorney prosecute said person for a misdemeanor for violation of these Regulations or the construction codes.

d. Whenever any premises, building or structure, or equipment therein regulated by these Regulations is being used contrary to the provisions thereof, the Building Official may order such use discontinued and the premises, structure, or portion thereof, vacated by notice served on any person responsible for such use. Such person shall discontinue the use within ten (10) days after receipt of such notice or cause the structure, or portion thereof, to comply with the requirements of said Regulations.

e. The Building Official or authorized representative shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures, electrical power poles, or equipment therein regulated by these Regulations in cases of emergency, unauthorized use, or where necessary for safety to life and property. Such utility service or energy supply shall be discontinued until a safe condition, as determined by the Building Official or authorized representative, can be restored.

f. Neither the County of San Mateo Building Official nor authorized representative shall be liable for

any damages or injuries accruing to persons or property including death, as a result of any act or omission by the Building Official or authorized representative, whether or not negligent in the discharge of duties under these Regulations.

g. The Building Official may request and shall receive so far as may be necessary in the discharge of duties, the assistance and cooperation of other officials and officers of public and private utilities.

h. The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under these Regulations, the names or the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

## 10.04.070 - Permit Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, parcel of land, manufactured home, mobile home, trailer, recreational vehicle 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 performed, shall first make application to the Building Official and obtain the required permit.

## 10.04.080 - Work Exempt From Permit.

(1) CCR Title 24, Part 2, CBC, Volume 1, Chapter 1, Division II, Section 105.2 is amended to read:

105.2 Work exempt from permit. Exemptions from permit requirements of this Section 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 the jurisdiction. Such exempt structures must meet all other applicable requirements of this jurisdiction, including required minimum distances from property lines. Building Permits shall not be required for the following:

A. Building Permit Exemptions:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, and the height above grade does not exceed 12 feet. No more than one structure may be allowed under this exemption unless separated from another permit exempt structure by more than 50 feet.

2. Fences not over 7 feet high.

3. Confined animal structures, including stable or stalls, providing that:

    a.) The structure does not exceed ten (10) feet in height and 150 square of floor area, and

    b.) The project does not include the installation of any of the following:

        (i) Heating, ventilation, or cooling equipment.

        (ii) Electrical wiring or equipment that connects to an electrical supply.

4. Retaining walls retaining not more than 3 feet of material unless supporting a surcharge or impounding Class I, II, or IIA liquids. For the purpose of this section, a retaining wall is considered to be supporting a surcharge if:

    a.) The wall retains more than one foot of material, and the retained material slopes more than two units horizontal to one vertical within a distance equal to twice the height of the wall above the lowest existing grade, or

    b.) The wall retains more than one foot of material, and any road or structure is located on the retained material within a distance equal to twice the height of the wall above the lowest existing grade.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio height to diameter or width does not exceed 2 to 1.

6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and not part of an accessible route.

7. Painting, papering, tiling, and similar finish work.

8. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy, which do not exceed 5,000 gallons, are less than 24 inches deep, and are installed entirely above ground.

9. Window awnings in Group R-3 and U occupancies, supported by an exterior wall and that do not project more than 54 inches from the exterior wall and that do not require additional support.

10. Swings, play structures and other playground equipment, treehouses with a floor area less than 120 square feet, supported entirely by one or more trees, that are not accessed by stairs, and skateboard ramps, accessory to detached one and two-family dwellings, which are not used for commercial purposes.

11. Decks accessory to one and two-family dwellings not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

12. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

13. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

14. Temporary motion picture, television, and theatre stage sets and scenery.

15. Residential arbors, trellises, and gazebos when height above adjacent grade does not exceed twelve (12) feet. For the purposes for this Section, arbors, trellises, and gazebos are considered as detached shade structures accessory to residential occupancies and are defined as follows:

    a.) Structures which have a lattice or fabric roof structure, and

    b.) 75% of the exterior walls are not less than 75% open, and

c.) Into which a motor vehicle cannot be driven due to the configuration of the structure or placement on the site.

If a structure contains electrical, plumbing, or mechanical equipment, a permit is required for this work.

B. Electrical Permit Exemptions:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electric equipment to approved permanently installed receptacles.

2. 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 antenna.

3. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

4. Listed cord and plug connected temporary decorative lighting.

5. Reinstallation or replacement of attachment plug receptacles, but not the outlets therefor.

6. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.

7. Installation or maintenance of communications wiring, devices, appliances, apparatus, or equipment.

C. Gas Permit Exemptions.

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of the 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.

D. Mechanical Permit Exemptions:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable colling unit.

4. Steam, hot or chilled water piping within heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (747 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.

E. Plumbing Permit Exemptions:

1. The stopping of leaks in drains, water, soil, waste or vent pipes, provided, however, that if any concealed trap, drain, water, soil 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. Replacement of existing plumbing fixtures for low flow plumbing fixtures in accordance with Section 1101.1 California Civil Code.

## 10.04.090 - Application For Permit.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Planning and Building Department 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 of which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by the Planning and Building Department.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

## 10.04.100 - Application Expiration.

Applications for permits shall be considered expired as follows:

1. 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 or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
2. Applications which have been approved for issuance, but for which no permit has been issued within 180 days of the date which said permit has been approved for issuance shall expire and

submitted plans may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding an additional 180 days upon written request by the applicant, prior to the date of expiration, showing justifiable cause.

3. In order to renew an action on an application after expiration, the applicant may be required to resubmit plans and pay new fees. Renewed applications must comply with all applicable codes, ordinances, laws and regulations in effect at the time of the renewed application.

4. Plan checking, microfilming, filing fees and other fees associated with canceled applications are not refundable.

## 10.04.110 - Permit Expiration.

1. Every permit issued by the Building Official under the provisions of these Regulations shall expire and become invalid if the building or work authorized by such permit is not commenced within 12 months from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 calendar days at any time after the issuance of the permit. Evidence of continuation of work consists of one progress inspection by the Building Inspection Section within 180 calendar days, which can demonstrate substantial progress in one or more of the major trades. Before work on a project where the permit has expired can be recommenced, reinstatement of the permit will be required. The fee for reinstatement shall be one-half of the amount of the original permit fees, provided that no changes have been made or will be made in the original plans or scope of such work; and provided, further, that such suspension or abandonment has not exceeded one year. Expiration of permits that exceed one year require that full permit fees be paid.

2. The Building Official may provide an extension of time to a permit holder who submits a valid written request for an extension of time prior to the expiration of a permit.

3. The Building Official may waive the requirements of this section where the delay in commencing work or the suspension of work has been caused by acts of God, economic hardship, or personal illness.

## 10.04.120 - Term Of Permits.

1. Residential, Garages and Agricultural Structures: Permits for new residences, additions to residences, garages, and agricultural buildings shall be valid for 12 months from the date of issuance. The Building Official may extend this period for additional time when the applicant can demonstrate that completion of the project could not be accomplished due to economic hardship, documented personal illness or other extenuating circumstances.

2. Hotels, Motels, Condominiums, Townhouses and Apartment Buildings: Permits for the construction or alteration of these types of occupancies or structures shall be valid for two years from the date of issuance. The Building Official may extend this period for additional time when the applicant can demonstrate that completion of the project could not be accomplished due to economic hardship or other extenuating circumstances.

3. Commercial and Industrial Structures: Permits for the construction or alteration of non-residential structures shall be valid for two years from the date of issuance. The Building Official may extend this period for additional time when the applicant can demonstrate that completion of the project could not be accomplished due to economic hardship or other extenuating circumstances.

4. Miscellaneous Permits: Permits for miscellaneous work including, but not limited to, re-roofing, wooden decks, hot tub/spas, water heaters, furnaces, air conditioners, electrical services, temporary power poles, factory-built homes, storage sheds, window replacements, and similar work shall be valid for 180 days from the date of issuance of the permit. The Building Official may extend this period for additional time when the applicant can demonstrate that completion of the project could not be accomplished due to economic hardship or other extenuating circumstances.

5. Permit Reinstatement: Permits, which expire due to time limitation, shall be reinstated before work can continue. Reinstatement shall require the payment of new fees and the project must comply with all applicable codes, ordinances, laws and regulations in effect at the time of reinstatement. Reinstatement fees shall be one-half of the amount of the original permit fees,

provided that such expiration has not exceeded one year. Reinstatement fees for permits which have been expired in excess of one year shall be equal to the full fees of the original permit.

6. Term Limits: Term limits for reinstated permits shall be set by the Building Official on a case-by-case basis and may include term limits which are substantially less than stated in subsections 1 through 4 of this section. Applicants may be required to submit written timelines for inspections and completion of permits before such permit will be reinstated. Such timelines and schedules must be substantially followed or revocation of the reinstated permit will occur.

7. Term Limits based on Notice: A permit issued as a result of an Information Notice or Stop Work Notice will be limited to 90 days, with possible extensions of time, as approved by the Building Official and/or the Director of Planning and Building/designee. The applicant shall provide substantial improvement within the first 90-day period and provide documentation of extenuating circumstances to the Building Official and/or the Director of Planning and Building /designee in order to be considered for any extension of time.

## 10.04.130 - Establishment Of Fees.

The Board of Supervisors of the County of San Mateo shall by resolution establish all fees related to buildings, structures, electrical, energy generation and/or storage, gas, mechanical, and plumbing systems or alterations requiring a permit, and any associated inspections.

## 10.04.140 - Investigation And Fees.

The following provisions shall govern investigation fees.

1. The Board of Supervisors hereby finds that there is a substantial cost to the County in identifying and investigating construction or for work commenced without first obtaining the prescribed permits or for work that was done in violation of prescribed permits, and in assuring compliance with permit requirements and other pertinent County Regulations when such violations are determined to exist.

The Board of Supervisors further finds that a reasonable measure of the cost to the County in identifying, investigating and obtaining compliance for such violations is ten times the value of the applicable permit, and that this cost should be borne by the violator or the property owner on which the violation occurred, in the form of an investigation fee to be assessed as set forth below in Subsection 2 of this section.

2. Whenever any construction or work for which a permit is required by these Regulations or by any other code incorporated by reference and made a part of these Regulations, is started or commenced without the prescribed permit having first been obtained, an investigation fee in the amount of ten times the prescribed permit fee shall be added to the permit fee and shall be collected at the time of application for the permit. Such investigation fee shall be collected for each separate and distinct permit required for each distinct address, unit number, apartment number, or building upon a property. Where a permit has been previously obtained and where construction or work is commenced which goes beyond the scope of the permit or is in violation of the terms of the permit, the above described investigation fee may be assessed for such portion of the construction or work done beyond the scope of, or in violation of, the permit. This investigation fee shall be required and collected whether or not a permit is then or subsequently issued. The maximum investigation fee which may be assessed and collected as to any individual permit shall be three thousand dollars ($3,000.00). Nothing in this section shall relieve any person(s) from fully complying with the requirements of these Regulations, or with any codes incorporated by reference and part of these Regulations, in the execution of the work, or from any other penalties prescribed by law.

3. Whenever any Farm Labor Housing, temporary or permanent, has been found to have been installed, constructed, altered or created or moved without first obtaining the required permits, an investigation fee shall be assessed whether or not the prescribed permits are then or subsequently issued. Such investigation fee shall be based on an hourly cost to compensate the County for staff time spent on processing the violation.

4. Whenever Low Income or Affordable Housing, temporary or permanent, has been found to have

been installed, constructed, altered, or created or moved without first obtaining the required permits, an investigation fee shall be assessed whether or not the prescribed permits are then or subsequently issued. Such investigation fee shall be based on an hourly cost to compensate the County for staff time spent on processing the violation. The Building Official shall have the authority to adjust investigation fees for minor violations, as listed below, provided such violation is a first offense, and/or extenuating circumstances determined by the Building Official warrant adjustment. In no case shall the investigation fee be reduced to less than two times the permit fee, plus the permit fee. Such reduction in investigation fees shall not relieve the applicant from full compliance with all applicable codes and zoning regulations. Such reduced investigation fee shall be based on an hourly cost to compensate the County for staff time spent on processing the violation.

a. Water heater installations or replacements

b. Furnace/heater installations or replacements

c. Air conditioner/heat pump installations or replacements

d. Decks for single family dwellings

e. Reroofing of a single-family dwelling

f. Electrical service changes to a single-family dwelling

g. Non-habitable accessory structures not exceeding 200 square feet

h. Water or sewer line replacements for single-family dwellings

i. Fences

j. Kitchen or bathroom remodels of single-family dwellings

5. The Building Official or authorized representative shall have the authority to issue an Information Notice in lieu of a Stop Work Notice for minor violations listed above or in the event that work has just begun on other violations. The requirement for investigation fees for issuance of an Information

Notice may be reduced or waived provided that the work stops immediately, and the violator has contacted the Planning and Building Department to initiate the permit process within ten (10) working days of the issuance of the Information Notice. Failure to comply with these two requirements will result in the issuance of a Stop Work Notice and shall also result in the disqualification of the reduction or waiver of investigation fees as allowed in this subsection 5.

## 10.04.150 - Refund Of Permit Fees.

During the period for which a permit continues in force, the applicant may surrender such permit to the Building Official. Only if the permit fees, not including plan check, filing, energy compliance, microfilming, geotechnical, or other ancillary fees, are greater than $500.00, no work has been performed thereunder, the permit has not expired or been canceled, and the permit was not issued as part of an Information Notice or Stop Work Notice, the Building Official may authorize a refund to such applicant of 75 percent of the permit fee therefore paid for such permit. The refund of such fees shall not include plan check, filing, energy compliance, microfilming, geotechnical, or other ancillary fees. No refunds are available for permit fees of less than $500.00.

## 10.04.160 - Liability Incidental To Inspection.

The County shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection.

## 10.04.170 - Inspection Requests.

The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing via Accela Citizen Access System, or by telephone at the option of the Building Official.

## 10.04.180 - Re-Inspections.

The Building Official shall make re-inspections as provided herein below and may charge such fees therefor as are hereinafter authorized.

1. Where an inspection has found any work or construction to be incomplete or not to conform to these Regulations and the construction codes, a re- inspection is required.

2. A re-inspection fee may be assessed by the Building Official where the re- inspection is made necessary by:

   a. Failure to provide the permit card at the work site.

   b. The approved plans are not made available to the inspector at the requested inspection.

   c. Failure to provide access to the inspector on the date for which an inspection is requested.

   d. Unauthorized deviation from the approved plans.

   e. A request for an inspection made prior to the time that the work to be inspected is complete.

   f. Failure to make the corrections mandated during previous inspection(s).

   g. Failure to post the property address in a conspicuous location where it is plainly visible in both directions from the street or road.

3. Where re-inspection fees have been assessed, no additional inspection of the work will be scheduled or performed until the required fees have been paid.

# ARTICLE 2 - CONSTRUCTION CODES

## *CHAPTER 10.08 - BUILDING CODE*

### 10.08.010 - Adoption Of 2022 Building Code.

The latest adopted edition of the 2022 California Building Code, Title 24, Part 2, is hereby adopted and incorporated by reference. In addition, Part 1 of Division II, appendices G through J and Appendix M within the referenced code and all amendments, errata, and/or emergency supplements, including local amendments set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Building Code" is on file at the San Mateo County Building Inspection Section.

### 10.08.020 - General.

§101.1 Title. These regulations shall be known as the Building Code of the County of San Mateo, hereinafter referred

to in this Article as “this code.”

## 10.08.030 - Definitions.

§202 Definitions.

1. Accessory Structure: A detached structure that is accessory to and incidental to that of the main structure and that is located on the same lot.

2. Bedroom and/or Sleeping Room: A room used for sleeping purposes that has a minimum floor area of seventy (70) square feet and that is not less than seven (7) feet in any direction. A study, sewing room, sitting room, office, den, or similar room shall be considered a bedroom/sleeping room if it contains a closet, alcove, indentation, or wing wall which creates an area greater than eighteen (18) inches in depth.

3. Driveway: A vehicular access that serves no more than two (2) buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings. New driveways serving one (1) and two (2) family dwellings shall be constructed to the following minimum standards:

    a. A minimum of 6 inches of compacted Class II base rock and 3 inches of asphaltic concrete, for slopes up to 15%.

    b. Slopes between 15% and 20% shall have an engineered surface such as rough, grooved concrete.

    c. Slopes shall not exceed 20%.

    d. A minimum unobstructed width of a 12-foot traffic lane and sixteen 16 feet unobstructed horizontal clearance.

    e. A minimum 15-foot vertical clearance.

4. Habitable Space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. An accessory structure containing a bathroom, where the bathroom is larger than four (4) feet six (6) inches by four (4) foot six (6) inches and/or contains more than a single water closet and/or a single lavatory, on a residential property, shall be considered Habitable Space.

5. Kitchen: Any room or space used, intended, or designated to be used for cooking and preparing of food. Rooms which contain appliances or equipment such as microwave ovens, gas or electric cook tops or ovens, toaster ovens and similar appliances shall constitute a room or area, intended or designated as a kitchen.

6. Substantial Alteration: The renovation of any structure and/or when combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent (50%) of the existing floor area of the structure. For the purpose of this Section, when determining the *affected gross floor area* of an existing structure, whenever more than 50% of the wall or ceiling coverings (e.g., wallboard, plaster, etc.) have been removed from within a room or space bounded by three or more walls within the structure, the entire *gross floor area* of the room or space shall be counted towards the total affected *gross floor area* of the existing structure.

### 10.08.040 - Excavating And Grading.

**§J101.1. Scope.** The provisions of Title 10 including Chapter 10.68, of the San Mateo County Ordinance Code, apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this Section and the geotechnical report, the geotechnical report shall govern.

### 10.08.050 - Flood Resistant Construction.

1. **§1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for San Mateo County" with an effective date of April 5, 2019, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

2. **§G102.2 Establishment of flood hazard areas.** Flood hazard areas are established in Section 1612.3 of the

*California Building Code*, adopted by the applicable governing authority on December 10, 2019.

3. §G103.10 Notifications. Technical or scientific data supporting changes to base flood elevations shall be submitted to FEMA as soon as practicable but not later than 6 months after the date such information becomes available.

4. §G401.2 Coastal high-hazard areas and coastal A zones. In coastal high-hazard areas and coastal A zones:

   a. New buildings and buildings that are substantially improved, as defined by the Federal Emergency Management Agency, shall only be authorized landward of the reach of mean high tide.

   b. The use of fill for structural support of buildings is prohibited.

10.08.060 - Automatic Sprinkle Systems.

§903.6 Existing buildings or structures. An automatic sprinkler system shall be provided in existing buildings and structures where required in Chapter 11 of the *California Fire Code* or when improvements are conducted in accordance with this section.

§903.6.1 Where required. All existing buildings and structures shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

a. Where the *gross floor area* of a proposed alteration, addition, or combination of alterations and additions and the *gross floor area* of any alterations, additions, or combination of alterations and additions meets the definition of a “substantial alteration”.

   Exception: Buildings or structures less than 1,000 square feet.

b. When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

c. Automatic sprinklers shall be installed in any one- and two-family garage, carport or breezeway attached to any structure for which an automatic sprinkler system is required. A detached one- and two-family garage, not containing any habitable space, 1,000 square feet or more shall require the

installation of an NFPA-13D automatic fire sprinkler system.

d. Additions, alterations or modifications to any existing structure containing automatic fire sprinklers shall require the extension or modification of the fire sprinkler system throughout the added, altered, or modified areas. Plans for the installation, extension or modification of an automatic fire sprinkler system shall be submitted to the Planning and Building Department of San Mateo County for review and approval by the appropriate fire agency. Additions, alterations, and/or remodels to an existing dwelling previously equipped with automatic fire sprinklers shall require the submittal of five sets of sprinkler plans and three sets of hydraulic calculations. All components of the existing system shall be submitted for review in order to determine compliance with the applicable standards.

e. The installation of an automatic fire sprinkler system may be required by the Building Official when an alteration, addition or change in use or occupancy of a building or portion of a building thereof increases the hazard of fire or threat to life and safety.

f. Where required by the local Fire District.

1. All automatic fire sprinkler systems shall comply with the currently enforced edition of FPA-13, NFPA-13D, NFPA-13R and any additional County specifications, or modifications imposed by supplemental rules and regulations adopted by the County of San Mateo.

2. The requirements of this section are intended to represent minimum standards for construction. Nothing in this section shall prohibit the voluntary installation of automatic fire sprinkler systems.

3. The following structures are exempt from the requirements of this section:

a. Agricultural Buildings. For the purpose of this section, an “agricultural building” is defined as a non-residential structure designed and constructed to house farm implements, hay grain, poultry, livestock, or other horticultural products.

"Agricultural buildings" include a place of employment where agricultural products are processed, treated or packaged. Office uses within "agricultural buildings" shall not exceed ten percent (10%) of the total floor area of the building unless such buildings are provided with an automatic fire sprinkler system throughout. "Agricultural buildings" shall include greenhouses.

b. Non-residential structures less than 1,000 square feet.

c. Car wash structures where no offices or waiting rooms are attached.

## 10.08.070 - Interpretation And Enforcement By The Building Official.

The provisions of Section 10.08.060 of this code shall be interpreted, enforced and administered by the Building Official as granted by any other provision of law including but not limited to this code or the State Building Standards Code.

## 10.08.080 - Swimming Pools, Spas And Hot Tubs.

*I. California Swimming Pool Safety Act:*

A. HS Code, §115922. (a) Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with a permanent, non-removable enclosure that meets the following requirements prior to filling the pool with water (HSHealth and Safety Code § 115923):

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches above the ground.

2. The top of the enclosure shall be at least 60 inches above grade measured on the side of the enclosure that faces away from the pool.

3. Maximum vertical clearance from the ground to the bottom of the enclosure of 2".

4. Gaps or voids, if any, do not allow passage of a sphere equal to, or greater than, 4" in diameter.

5. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the ages of five years to climb over.

6. Where the home or other dwelling structure serves as part of the required enclosure, all doors having direct access to the pool or spa shall be equipped with exit alarms meeting the requirements of HS Code §115921. (**Note:** if this device is installed to meet the enclosure requirements of this section, it will not be considered as an "additional drowning prevention feature" as listed below.)

7. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use. A permanent sign shall be posted which reads: "This access to be kept locked at all times."

8. Driveway gates that are part of the enclosure are to be electronically operated and automatically close within one minute of being opened.

9. In all cases, owners/occupants are responsible for maintaining all required enclosures and safety elements.

B. **Exceptions:** Hot tubs or spas that meet the definition of self-contained, and that have a locking safety cover that complies with ASTM F-1346-91 are exempt from the fence enclosure requirement. Self-contained hot tubs or spas may be recessed below the adjoining floor, deck or grade level as long as it is allowed in the manufacturer's specifications and the safety cover operates normally.

2. In addition to the above required enclosure, the pool or spa shall be equipped with one additional drowning prevention safety feature:

a. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm my cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

b. An approved safety pool cover, as defined in Subdivision (d) of Section 115921.

c. A self-closing, self-latching device with a release mechanism placed no lower than fifty-four (54) inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.

d. Removable mesh fencing that meets the American Society for Testing and Materials (ASTM) Specifications F2208 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

e. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when a child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

f. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

## *CHAPTER 10.12 - RESIDENTIAL CODE*

### 10.12.010 - Adoption Of 2022 California Residential Code.

The latest adopted edition of the 2022 California Residential Code, Title 24, Part 2.5, is hereby adopted and incorporated by reference. In addition, Division II within the referenced code, Appendixes AR, AS, AV, AZ, and all amendments, errata, and/or emergency supplements, including local amendments set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Residential Code" is on file at the San Mateo County Building Inspection Section.

## 10.12.020 - General.

**§R101.1 Title. [*Amended*]** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of The County of San Mateo and shall be cited as such and will be referred to herein as "this code."

## 10.12.030 - Definitions.

**§R202 Definitions. [*Amended*]**

Accessory Structure: **[*Added*]** A detached structure or building that is accessory to and incidental to that of the main structure and that is located on the same lot.

Bedroom and/or Sleeping Room: **[*Added*]** A room used for sleeping purposes that has a minimum floor area of seventy (70) square feet and that is not less than seven (7) feet in any direction. A study, sewing room, sitting room, office, den, or similar room shall be considered a bedroom/sleeping room if it contains a closet, alcove, indentation, or wing wall which creates and area greater than eighteen (18) inches in depth.

Driveway: **[*Added*]** A vehicular access that serves no more than two (2) buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings. New driveways serving one (1) and two (2) family dwellings shall be constructed to the following minimum standards:

a. A minimum of 6 inches of compacted Class II base rock and 3 inches of asphaltic concrete, for slopes up to 15%.

b. Slopes between 15% and 20% shall have an engineered surface such as rough, grooved concrete.

c. Slopes shall not exceed 20%.

d. A minimum unobstructed width of a 12-foot traffic lane and sixteen 16 feet unobstructed horizontal clearance.

e. A minimum 15-foot vertical clearance.

Habitable Space: **[*Amended*]** A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. An accessory structure

containing a bathroom, where the bathroom is larger than four (4) feet six (6) inches by four (4) foot six (6) inches and/or contains more than a single water closet and/or a single lavatory, on a residential property, shall be considered Habitable Space.

Kitchen: [*Amended*] Any room or space used, intended, or designated to be used for cooking and preparing of food. Rooms which contain appliances or equipment such as microwave ovens, gas or electric cook tops or ovens, toaster ovens and similar appliances shall constitute a room or area, intended or designated as a kitchen.

### 10.12.040 - Automatic Fire Sprinkler Systems.

**§R313.2 One- and two-family dwellings automatic fire systems.** [*Amended*] An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings, in accordance with Section 9105 of the California Residential Code and the California Fire Code.

Exception: An automatic residential fire sprinkler system shall not be required for Accessory Dwelling Units, provided that all of the following are met:

2.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the government Code Section 65852.2.

2.2. The existing primary residence does not have automatic fire sprinklers.

2.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.

2.4. The unit is on the same lot as the primary residence.

**§R313.2.2 Existing buildings.** [*Added*] All existing one- and two-family dwellings, buildings and/or structures shall be provided with an automatic fire sprinkler system when required by Section 10.08.060.

2. Automatic sprinklers shall be installed in any one- and two-family garage, carport or breezeway attached to any structure for which an automatic sprinkler system is required. A detached one and two-family garage, not containing any habitable space, 1,000 square feet or more shall require the installation of an NFPA-13D automatic fire sprinkler system.

3. Additions, alterations or modifications to any existing structure containing automatic fire sprinklers shall require the extension or modification of the fire sprinkler system throughout the added, altered, or modified areas. Plans for the installation, extension or modification of an automatic fire sprinkler system shall be submitted to the Planning and Building Department of San Mateo County for review and approval by the appropriate fire agency. Additions, alterations, and/or remodels to an existing dwelling previously equipped with automatic fire sprinklers shall require the submittal of five sets of sprinkler plans and three sets of hydraulic calculations. All components of the existing system shall be submitted for review in order to determine compliance with the applicable standards.

4. All automatic fire sprinkler systems shall comply with the currently enforced edition of NFPA-13, NFPA-13D, NFPA-13R and any additional County specifications, or modifications imposed by supplemental rules and regulations adopted by the County of San Mateo.

5. The installation of an automatic fire sprinkler system may be required by the Building Official when an alteration, addition or change in use or occupancy of a building or portion of a building thereof increases the hazard of fire or threat to life and safety.

6. The requirements of this section are intended to represent minimum standards for construction. Nothing in this section shall prohibit the voluntary installation of automatic fire sprinkler systems.

### 10.12.050 - Interpretation And Enforcement By The Building

The provisions of Section 10.04.060 of this code shall be interpreted, enforced and administered by the Building Official as granted by any other provision of law including but not limited to this code or the State Building Standards Code.

## *CHAPTER 10.16 - FIRE CODE*

### 10.16.010 - Adoption Of 2022 California Fire Code.

The latest adopted edition of the 2022 California Fire Code, Title 24, Part 9, is hereby adopted and incorporated by reference. In addition, Sections 305, 307, 308, 311, appendices B, C, D, K, L, and N within the referenced code and

all amendments, errata, and/or emergency supplements, including local amendments as set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Fire Code" is on file at the San Mateo County Building Inspection Section.

## 10.16.020 - Scope And General Requirements.

§101.1 Title. [Amended] These regulations shall be known as the *Fire Code* of the County of San Mateo, hereinafter referred to as "this code." Nothing stated in this Code shall relieve a property owner from obtaining appropriate permits required by law for improvements imposed under the provisions of this Code, including but not limited to a coastal development permit for improvements in the coastal zone.

## 10.16.030 - Department Of Fire Prevention.

§103.1 General. [*Amended*] The Board of Supervisors authorizes the Fire Chief to establish a Bureau of Fire Prevention, which shall be known herein as the San Mateo County Fire Marshal's Office.

§103.2 Appointment. [*Amended*] The Board of Supervisors hereby delegates the authority granted by section 24008 of the Government Code and authorizes the fire code official to appoint from qualified personnel on the Fire Chief's staff such as Deputy, Assistant, and Battalion Chief's (Chief Officers) as necessary to perform those duties relating to fire or fire protection as are required by the Board. The Fire Chief and appointed designees shall aid in enforcing all laws and ordinances and any rules and regulations adopted by the State Fire Marshal relating to fires or fire prevention and protection and shall exercise peace officer powers pursuant to the provisions of section 24008 of the Government Code.

## 10.16.040 - Permits.

§105.6 Required operation permits. [*Amended*] The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.51. Nothing stated in this chapter shall relieve a property owner from obtaining any other permits required by law for improvements imposed under the provisions of this chapter, including but not limited to a coastal development permit for improvements in the coastal zone.

§105.6.2.1 Special Event. [*Added*] To conduct a special event either inside or outside of a structure. Special events include but are not limited to the following types of activity: crafts faire, festivals, historic celebrations, etc.

§105.7 Required construction permits. [*Amended*] The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.25. Nothing stated in this chapter shall relieve a property owner from obtaining any other permits required by law for improvements imposed under the provisions of this chapter, including but not limited to a coastal development permit for improvements in the coastal zone.

## 10.16.050 - Inspections.

§107.2.3 Authority to inspect. [*Added*] The Chief or other designated representatives shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

## 10.16.060 -Board Of Appeals.

§109.1 Board of appeals established. [*Amended*]

In order to hear and decide appeals of orders, decisions or determinations made by the County Fire Marshal relative to the application and interpretation of this Code, there is established a Fire Protection Board of Appeals, consisting of three members to hear appeals and to grant such relief or make such interpretation or explanation as may be necessary and proper pursuant to the provisions of this Code. The Fire Protection Board of Appeals shall consist of the San Mateo County Fire Chief, the San Mateo County Fire Operations Chief and the San Mateo County Planning and Building Department Director or their authorized representative. The County Fire Marshal shall act as Secretary of the Board. The Fire Protection Board of Appeals shall adopt rules and regulations for conducting its hearings and shall render all decisions and findings in writing to the appellant, with duplicate copy to the County Fire Marshal. Any appeal of a decision, order or determination made by the Fire Marshal shall be in writing and filed with the San Mateo County Fire Chief within thirty (30) days from the date of the decision, order or determination being appealed. The notice of appeal shall:

a. Specify the substance and particulars of the decision, order or determination being appealed, including the date of the decision, order or determination.

b. Describe the grounds for and arguments in support of the appeal.

c. Be signed by the appellant or their duly authorized agent.

d. Include the mailing address of the appellant.

Whenever a notice of appeal is filed with the Fire Chief, the Fire Chief shall set the matter for hearing at the earliest reasonable time and shall notify the appellant of the place, date and time the Board of Appeals shall hear and consider the appeal. The Fire Chief shall give notice of the hearing to the appellant at least seven days prior to the time set for the hearing. Notice shall be given to the appellant by first class mail and certified mail to the address shown on the notice of appeal.

## 10.16.070 - Violations.

§110.4 Violation penalties. [*Amended*]

a. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

b. Notwithstanding any other provision of this code, whenever violation of any section contained in this code is punishable as a misdemeanor, the prosecuting attorney having jurisdiction to prosecute said misdemeanor, may specify that the offense is an infraction and proceed with prosecution as an infraction, unless the defendant, at the time of their arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects; and when not otherwise specified, each day that prohibited conditions are maintained shall

constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

c. Chapter 1.40 (Administrative Remedies) of the San Mateo County Ordinance Code as well as Section 10.04.040 of this Chapter may be used to address violations of these provisions.

d. In addition to the penalties set out in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such, and each day such condition continues shall be regarded as a new separate offense. The County of San Mateo shall also be permitted the right of recovering those funds, used to mitigate continuous, unabated hazards, which present a clear and present danger. The cost recovery fee shall be the based on the actual hourly rate for the San Mateo County Fire Department staff used in gaining compliance for those in violation.

## 10.16.080 - Stop Work Order.

§112.4 Failure to comply. [*Amended*] 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 guilty of a misdemeanor.

## 10.16.090 - Definitions.

§202 General Definitions. [*Amended*]

Fire Chief: [*Amended*] The chief officer of the fire department serving the jurisdiction, or a duly authorized representative. “County Fire Warden” and “County Fire Chief” shall mean the “Fire Chief” of the San Mateo – Santa Cruz Unit of the California Department of Forestry and Fire Protection (CAL FIRE) or authorized representative thereof, so long as there shall be in effect an agreement for CAL FIRE to provide fire protection services to the County of San Mateo. The Fire Warden / Fire Chief shall have all powers and duties conferred upon Fire Chiefs by state law.

Fire Code Official. [*Amended*] The "County Fire Marshal" is the chief officer assigned to the San Mateo County Fire Marshal's Office.

Fire Department: [*Added*] The San Mateo County Fire Department is hereby established and shall be administered by the County Fire Chief.

Substantial Alteration: [*Added*] The renovation of any structure and/or when combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent (50%) of the existing floor area of the structure. For the purpose of this Section, when determining the affected *gross floor area* of an existing structure, whenever more than 50% of the wall or ceiling coverings (e.g., wallboard, plaster, etc.) have been removed from within a room or space bounded by three or more walls within the structure, the entire *gross floor area* of the room or space shall be counted towards the total affected *gross floor area* of the existing structure.

### §502.1 Definitions. [*Amended*]

Accessory Structure/Building: [*Added*] A detached structure that is accessory to and incidental to that of the main structure and that is located on the same lot.

Driveway: [*Added*] A vehicular access that serves no more than two (2) buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings.

## 10.16.100 - Ignition Sources.

### §305.6 Fuel Breaks. [*Added*]

A. Every person, owning, leasing or otherwise controlling improved real property, shall maintain an effective fuel break for the protection of improvements by removing all hazardous flammable materials or growth from the ground around each improvement for a distance of not less than 30 feet from its exterior circumference or to the property line, whichever is closer. The Fire Chief may require a distance of up to 100 feet to be cleared or the vegetation managed (fuel reduced) if they determines that the greater distance is necessary to protect improvements.

B. In determining the extent of clearing necessary to establish an adequate fuel break, due consideration

shall be given to the retention of existing landscaping or natural features that, in the opinion of the County Fire Marshal, do not increase the risk of the spread of a fire.

C. Any determination as to the required size of a fuel break shall give due consideration to the presence of any sensitive habitats entitled to protection under federal, state or local laws, and shall comply with such laws. In the case of any development for which environmental review is required, and for which a fuel break will be required, the environmental review shall consider any environmental impacts which may result from the creation of the required fuel break.

## 10.16.110 - Fire Apparatus Access Roads.

§503.1.1, Exception 1.3 [*Amended*] Driveways serving one- and two- family residences.

All new driveways shall have an unobstructed minimum width of a twelve (12) foot traffic lane and sixteen (16) feet unobstructed horizontal clearance.

§503.1.1, Exception 2 [*Amended*] Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities and unmanned cellular sites.

§503.1.1.1 Land Divisions [*Added*] This section is subject to the Fire Code Officials discretion and interpretation.

A. No final map for a major land division shall be approved within the boundaries of an area served by a public water system until the County Fire Marshal certifies that the land division has met the provisions of this section either through the installation of required improvements before final map approval, or through a subdivision or other binding agreement which requires installation of the required improvements by a specified date following final map approval, whichever is appropriate.

B. No parcel map for a minor land division shall be approved within the boundaries of an area served by a public water system until the County Fire Marshal certifies that the land division has met the provisions of this section either through installation of required improvements before final map approval, or through a subdivision or other binding agreement which requires installation of the required

improvements by a specified date following final map approval, whichever is appropriate.

C. The requirements of this section do not apply to lot line adjustments between four or fewer existing parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

§503.2.4.1 Turning radius [*Added*] Inside and outside turning radius for fire access roads will be based upon the capability of the fire apparatus used by the San Mateo County Fire Department. Turning radius design approval must be obtained from the San Mateo County Fire Department.

§503.2.6 Bridges and elevated surfaces. [*Amended*] Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HS-20 (25 ton). Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits, certified by an engineer, shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained. The Fire Marshal may allow the width to be reduced for a bridge providing access to R-3 and/or U occupancies and lands used primarily for agricultural purposes or recreation.

§503.3 Marking. [*Amended*] Curbs along fire access lanes shall be painted traffic red. Such curbs shall have the words “FIRE LANE” stenciled each

Seventy-Five feet on both the face and top edge of the curbs. The stenciled letters shall be a minimum of three inches in height and have a minimum stroke of one-half inch. The lettering shall be white in color.

Fire access lanes not having curbs shall either be provided with a twelve-inch-wide painted red stripe along the edge or provided with signs, as directed by the Fire Code Official, along the fire access lane at a maximum spacing of seventy-five feet. Fire lanes utilizing the painted stripe shall have stenciled on the red stripe the words “FIRE LANE” each seventy-five feet. The stenciled letters shall be a minimum of three inches in height and have a minimum stroke of one-half inch. The lettering shall be white in color.

§503.4.1 Traffic calming devices. [*Amended*] Traffic calming devices are prohibited unless approved by the fire code official. Traffic calming devices shall not be installed on designated fire apparatus response routes. When approved, traffic calming devices shall be installed in accordance with the San Mateo County Fire Department's "Traffic Calming Devices" Standard Detail.

§503.4.2 Prohibited parking. [*Added*] If in the judgment of the San Mateo County Fire Department it is necessary to prohibit vehicular parking, or other materials or articles, along private fire access lanes in order to prevent obstruction of the required width of the fire access lane, signs shall be posted, as appropriate or as indicated in Section D103.6 with the addition of the following lettering near the bottom of the sign: (C.V.C.22500.1)

§503.4.3 Roadway spikes. [*Added*] The installation of roadway traffic control spikes is prohibited within fire access lanes unless prior approval is given by the San Mateo County Fire Department.

## 10.16.120 - Premises Identification.

§505.1 Address identification. [*Amended*] New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the San Mateo County Fire Department. This remote signage shall consist of a 6 inch by 18-inch green reflective metal sign with 4 inch reflective Numbers/ Letters similar to Hy-Ko 911 or equivalent.

§505.1.2 Multiple tenant structures. [*Added*] Multiple tenant buildings, using the same street address numbers, shall have suite or unit identification posted as required by the San Mateo County Fire Department.

§505.1.3 Commercial/Industrial structures; Size and stroke of numbers. [*Added*] Building address numbers shall be either internally, or externally illuminated and contrasting with the background so as to be seen from the public way fronting the building. Building address number heights shall be sized in accordance with the table as noted below. The number stroke shall be 1/2-inch or larger.

| Distance from road | Address No. Size |
|---|---|
| 0 – 50 Feet | 6-inch |
| 50 – 100 Feet | 8-inch |
| 100 – 150 Feet | 10-inch |
| 150 Feet or more | 12-inch |

All with a corresponding increase in stroke width.

§505.1.4 Rear addressing. [*Added*] When required by the Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of the property. Number stroke and size will comply with Section 505.1 for residential buildings and Section 505.1.3 for commercial buildings.

§505.1.5 Suite/Unit identification. [*Added*] Buildings containing separate suite and/or unit identification shall have the suite or unit identification clearly posted with assigned letters or numbers having a minimum height of four inches and a minimum stroke of 3/8 inch. Assigned letters or numbers shall be of contrasting color to the background and located between 5 feet and 6 feet off the finished floor. Directional address numbers or letters shall be provided.

§505.1.6 Directories. [*Added*] Complexes with multiple buildings may be required by the San Mateo County Fire Department to provide one or more of the following: a directory, a premise map or directional signage. Location, size and color of such elements will be determined by the San Mateo County Fire Department on a site-specific basis.

§505.2.1 Construction site. [*Added*] Approved street or road signs and address numbers of the construction site shall be installed prior to combustible construction materials being placed on the site.

## 10.16.130 - Key Boxes.

§506.1.3 Key Boxes. [*Added*] When required by the San Mateo County Fire Department, a Key Box of the size and type designated shall be mounted on the building near the main entrance and shall be located a minimum of 60 inches, and not higher than 72 inches, above the finished floor in a location approved by the fire code official. Additional Key Boxes may be required at rear entrances to buildings.

§506.1.4 Key Switch and Padlocks. [*Added*] When required by the San Mateo County Fire Department, a Key Switch shall be installed at every electric gate system used for fire access as specified by the Fire Code Official. Keyed padlocks may be required at any access gates by the Fire Code Official.

## 10.16.140 - Fire Protection Water Supplies.

§507.2.2.1 Suburban and Rural Water Supplies. [*Added*] In areas where public and/or private fire mains are not available for the provision of the required fire flow, the Fire Code Official may develop a standard which requires a water supply for firefighting be provided. In developing this standard, the Fire Code Official may be guided by NFPA 22 Standard and Appendix C of this Code. Fire suppression water storage tanks will comply with local requirements to prevent earthquake damage.

## 10.16.150 - Fuel Fired Appliances.

§603.6.6 Spark Arrestors. [*Added*] All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester. Where a spark arrestor is installed on a masonry chimney, the spark arrestor shall meet all of the following requirements:

1. The net free area of the arrestor shall be not less than four times the net free area of the outlet of the chimney flue it serves.

2. The arrestor screen shall have heat and corrosion resistance equivalent to 12 gage wire, 19 gage galvanized steel or 24 gage stainless steel.

3. Openings shall not permit the passage of spheres having a diameter greater than ½ inch (12.7 mm) nor block the passage of spheres having a diameter less than ⅜ inch (9.5 mm). The spark

arrestor shall be accessible for cleaning and the screen or chimney cap shall be removable to allow for cleaning of the chimney flue.

## 10.16.160 - Automatic Sprinkler Systems.

§903.1.2 Approval. [*Added*] All automatic fire sprinkler systems installed as required by the San Mateo County Building Regulations must be approved by the County Fire Marshal. Fire sprinkler systems in Group R-3 occupancies, where required by the water purveyor to have an RPZ or double detector check valve, shall have the RPZ/DDCV installed on the water piping supplying both the domestic and fire sprinklers. A low flow toilet shall be allowed to be installed near the end of the fire sprinkler system (flow through) in lieu of the RPZ/DDCV.

§903.6.1 Alterations of existing buildings and structures. [Added] Where required due to improvements to buildings and structures. The provisions of this section are intended to provide a reasonable degree of fire safety in existing structures by requiring installation of an automatic fire-extinguishing system.

§903.6.1.1 Where Required. [*Added*] All existing buildings and structures, except for Group R-3 One- and Two-Family Dwellings, shall be provided with an automatic fire sprinkler system when the conditions of Chapter 2, Article 1, Section 10.08.060 require.

§903.6.1.1.1 Group R-3 One- and Two-Family Dwellings. [*Added*] All existing one- and two-family dwellings, buildings and/or structures shall be provided with an automatic fire sprinkler system when the conditions of Article 2, Section 10.12.040 require.

§903.7 Partial Automatic Fire Sprinkler Systems. [*Added*] Unless approved in writing by the Fire Code Official, automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

## 10.16.170 - Fire Alarm And Detection Systems.

§907.1.6 Working Clearance [*Added*] A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of fire protection equipment including, but not limited to: fire sprinkler control valves, fire department connections, hose connections, risers, hood system manual pull stations, fire alarm control panels, fire pumps and specialized fire protection storage tanks (dry

chemical, foam,

$CO_2$, clean agent). Where the fire protection equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space. Direct access to the working space shall be provided from aisles or access roadways. Modifications to working space dimensions shall be approved by the Fire Code Official.

§907.8.5.1 Fire Department Response to False Alarms. [*Added*] Any building owner or owner's agent who fails to properly maintain and service any smoke detector or fire alarm system, water flow detection alarm or fire sprinkler tamper alarm, after being notified that service or maintenance is required, will be subject to payment of costs related to any false alarm response by the fire department.

## 10.16.180 - Fire Department Connections.

§912.2.1.1 Painting of Fire Protection Equipment and Hydrants. [*Added*] When required by the Fire Code Official, fire protection equipment and fire hydrants shall be painted a color specified by the San Mateo County Fire Department.

§912.5.1 Identification. [*Added*] Fire department connections to sprinkler systems and/or standpipe systems shall clearly identify the building served as required by the San Mateo County Fire Department.

## 10.16.190 - General Means Of Egress.

§1003.3.4.1 Seismic Restraint of Storage Shelving. [*Added*] All storage shelving shall be provided with adequate seismic restraint as required by Chapter 16 of the California Building Code. Storage shelving not required to have seismic restraint by the California Building Code may be required to be secured to prevent obstruction of the means of egress as determined by the San Mateo County Fire Department.

## 10.16.200 - Explosives And Fireworks

§5601.1.6 Fireworks [*Added*] All fireworks, including but not limited to, those listed by the California State Fire Marshal as "Safe and Sane", are prohibited within the jurisdictional boundaries of the San Mateo County Fire Department on a year around basis. An exception is allowed for professional fireworks displays and theatrical use as

permitted by the Fire Code Official.

§5608.1.2 Permits [*Added*] Permits shall be required as set forth in the California Fire Code and this Article.

### 10.16.210 - Liquified Petroleum Gases.

§6101.3 Construction Documents [*Amended*] Where a single LP-gas container is 500 gallons (1893 L) or more in water capacity or the aggregate water capacity of LP-gas containers is more than 2,000 gallons (7570 L), the installer shall submit construction documents for such installation.

## *CHAPTER 10.20 - HISTORICAL BUILDING CODE*

### 10.020.010 - Adoption Of 2022 California Historical Building Code.

The latest adopted edition of the 2022 California Historical Building Code, Title 24, Part 8, is hereby adopted and incorporated by reference. In addition, all amendments, errata, and/or emergency supplements are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Historical Building Code" is on file at the San Mateo County Building Inspection Section.

## *CHAPTER 10.24 - EXISTING BUILDING CODE*

### 10.24.010 - Adoption Of 2022 California Existing Building Code.

The latest adopted edition of the 2022 California Existing Building Code, Title 24, Part 10, is hereby adopted and incorporated by reference. In addition, Part 1 of Division II, within the referenced code above, amendments, errata, and/or emergency supplements and appendix A, Chapter A-4 are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Existing Building Code" is on file at the San Mateo County Building Inspection Section.

## *CHAPTER 10.28 - MECHANICAL CODE.*

### 10.28.010 - Adoption Of 2022 California Mechanical Code.

The latest adopted edition of the 2019 California Mechanical Code, Title 24, Part 4, is hereby adopted and incorporated by reference. In addition, Part 1 of Division II, appendices B through D and Appendices F and G, within the referenced code above and all amendments, errata, and/or emergency supplements are also adopted during

this triennial California Building Standards Code cycle. A copy of the "California Mechanical Code" is on file at the San Mateo County Building Inspection Section.

# *CHAPTER 10.32 - ELECTRICAL CODE.*

## 10.32.010 - Adoption Of 2022 California Electrical Code.

The latest adopted edition of the 2022 California Electrical Code, Title 24, Part 3, is hereby adopted and incorporated by reference. In addition, Annexes A through J, within the referenced code above and all amendments, errata, and/or emergency supplements are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Electrical Code" is on file at the San Mateo County Building Inspection Section.

## 10.32.020 - BRANCH CIRCUITS.

Article 210.12 (A). [*Amended*] All 120-volt, single –phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit walls, floors, and ceilings of kitchens, family rooms, dining rooms, living rooms, bathrooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas, garages, or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6).

# *CHAPTER 10.36 - PLUMBING CODE*

## 10.36.010 - Adoption Of 2022 California Plumbing Code.

The latest adopted edition of the 2022 California Plumbing Code, Title 24, Part 5, is hereby adopted and incorporated by reference. In addition, Part 1 of Division II, appendices G through J and Appendix M within the referenced code above and all amendments, errata, and/or emergency supplements, including local amendments as set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Plumbing Code" is on file at the San Mateo County Building Inspection Section.

## 10.36.020 - Materials.

§604.1. Pipe, Tube, and Fittings. [*Amended*] Pipe, tube, fittings, solvent cements, thread sealants, solders, and flux used in potable water systems intended to supply drinking water shall be in accordance with the requirements of NSF 61. Where fittings and valves are made from copper alloys containing more than 15 percent zinc by weight, and

are used in plastic piping systems, they shall be resistant to dezincification and stress corrosion cracking in accordance with NSF 14.

Materials used in the water supply system, except valves and similar devices, shall be of a like material, except where otherwise approved by the Authority Having Jurisdiction.

Materials for building water piping and building supply piping shall comply with the applicable standards referenced in Table 604.1.

*Exception:* Except as otherwise approved by the Authority Having Jurisdiction for deleterious conditions, when the use of CPVC, PEX, and/or PVC is within a structure, it shall be limited to Group R-3, one- and two-family dwellings.

§701.2. Drainage Piping. [*Amended*] Materials for drainage piping shall be in accordance with one of the referenced standards in Table 701.2 except that:

(1) No galvanized wrought-iron or galvanized steel pipe shall be used underground and shall be kept not less than 6 inches (152 mm) above ground.

(2) Except as otherwise approved by the Authority Having Jurisdiction for deleterious conditions, ABS and PVC (DWV) piping installations, used within structures, shall be limited to not more than two stories of Group R- 3 one- and two-family dwellings, and shall be installed in accordance with applicable standards referenced in Table 1701.1, of the California Plumbing Code, and the California Building Code.

(3) No vitrified clay pipe or fittings shall be used above-ground or where pressurized by a pump or ejector. They shall be kept not less than 12 inches (305 mm) belowground.

(4) Copper or copper alloy tube for drainage and vent piping shall have a weight of not less than that of copper or copper alloy drainage tube type DWV.

(5) Stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than 6 inches (152 mm) aboveground.

(6) Cast-iron soil pipe and fittings shall be listed and tested in accordance with standards referenced in Table 701.2. Such pipe and fittings shall be marked with the country of origin and identification of the original manufacturer in addition to markings required by referenced standards.

§903.1. Applicable Standards. [*Amended*] Vent pipe and fittings shall comply with the applicable standards referenced in Table 701.2, except that:

(1) No galvanized steel or 304 stainless steel pipe shall be installed underground and shall be not less than 6 inches (152 mm) aboveground.

(2) Except as otherwise approved by the Authority Having Jurisdiction for deleterious conditions, ABS and PVC (DWV) piping installations, used within structures, shall be limited to not more than two stories of Group R- 3 one- and two-family dwellings, and shall be installed in accordance with applicable standards referenced in Table 1701.1, of the California Plumbing Code, and the California Building Code.

## *CHAPTER 10.40 - ENERGY CODE.*

### 10.40.010 - Adoption Of 2022 California Energy Code.

The latest adopted edition of the 2022 California Energy Code, Title 24, Part 6, is hereby adopted and incorporated by reference within the referenced code above and all amendments, errata, and/or emergency supplements are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Energy Code" is on file at the San Mateo County Building Inspection Section.

## *CHAPTER 10.44 - GREEN BUILDING CODE*

### 10.44.010 - Adoption Of 2022 California Green Building Standards Code

The latest adopted edition of the 2022 California Green Building Standards Code, Title 24, Part 11, is hereby adopted and incorporated by reference within the referenced code above and all amendments, errata, and/or emergency supplements, including local amendments as set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "California Green Building Standards Code" is on file at the San Mateo

County Building Inspection Section.

## 10.44.020 - Definitions

For the purposes of this Article, certain terms, phrases, and words shall be construed as follows:

§202. Definitions. [*Amended*]

AFFORDABLE HOUSING. [Added] Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

ALL-ELECTRIC BUILDING. [Added] A building that contains no *combustion equipment* or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

COMBUSTION EQUIPMENT. [Added] Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses *fuel gas*.

DIRECT CURRENT FAST CHARGING (DCFC). [Added] A parking space provided with electrical infrastructure that meets the following conditions:

1. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.

2. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

ELECTRIC HEATING APPLIANCE. [Added] A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

ELECTRIC VEHICLE CHARGING STATION (EVCS). [Added] A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

ELECTRIC VEHICLE (EV) READY SPACE. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger, including Level 1 EV Ready and Level 2 EV Ready.

ELECTRIC VEHICLE (EV) CAPABLE SPACE. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging, including Level 2 EV Capable.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

FUEL GAS. [Added] A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

LEVEL 2 EV CAPABLE. [Added] A parking space provided with electrical infrastructure that meets the following requirements:

1. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.

2. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may

be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.

3. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."

4. 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.

5. The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.

LEVEL 1 EV READY. [Added] A parking space that is served by a complete electric circuit with the following requirements:

1. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.

2. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

3. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LEVEL 2 EV READY. [Added] A parking space that is served by a complete electric circuit with the following requirements:

1. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
2. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

LOW POWER LEVEL 2 EV READY. [Added] A parking space that is served by a complete electric circuit with the following requirements:

1. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
2. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
3. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

NEWLY CONSTRUCTED (or NEW CONSTRUCTION). A newly constructed building (or new construction) does not include additions, alterations or repairs.

OFF-STREET LOADING SPACES. An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

Construction and demolition debris: [*Added*] Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a building as part of a

construction or demolition project or from the renovation/alteration of a building and/or landscaping materials, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction or demolition project; (2) remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction project.

Covered Project: [*Added*] (Amended to follow the California Green Building Standard Code) Any project which consists of one or more of the following as determined by the Building Official, or designee:

(1) Demolition work only, of existing permitted buildings;

(2) Residential and Non-residential development and new permitted buildings;

(3) Additions and alterations of existing permitted buildings where the addition or alteration increases the building's conditioned area, volume or size; (1) Alterations to kitchens and/or an existing building where the square footage of the work exceeds 500 square feet.

Deconstruction: The systematic and careful dismantling of a building, typically in the opposite order it was constructed, in order to maximize the salvage of materials and parts for reuse and recycling.

Designated recyclable and reusable materials: [*Added*]

(1) Inert solids

(2) Wood materials, including but not limited to any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, Chromated Copper Arsenate (CCA) pressure treated, or contaminated.

(3) Vegetative materials, including but not limited to, trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;

(4) Metals, including but not limited to, all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.

(5) Roofing materials including but not limited to, wood shingles and shakes as well as asphalt, stone and

slate-based roofing material;

Salvageable materials and buildings, including, but not limited to, bricks, blocks, framing, lumber, siding, doors, windows, plumbing and lighting fixtures, hardwood flooring, sinks, bathtubs, and appliances.

(6) Any other materials that the Building Official, or designee determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from San Mateo County.

Inert Solids or Inert Waste: [*Amended*] A non-liquid solid waste including, but not limited to, asphalt, concrete, rock, stone, brick, sand, soil, fines, that does not contain hazardous waste or soluble pollutants at concentrations in excess of water-quality objectives established by a regional water board pursuant to Division 7 (commencing with Section 13000) of the *California Water Code* and does not contain significant quantities of decomposable solid waste.

Salvage: [*Added*] The controlled removal of materials from a project, for the purpose of reuse or storage for later reuse.

Waste Management Plan: [*Added*] A form prescribed by the County that shall indicate how all construction and/or demolition debris from the project will be salvaged, reused, or recycled.

## 10.44.030 - Deconstruction, Salvage And Recovery.

(a) All single-family residential whole building demolition projects required to obtain a demolition permit shall complete a deconstruction survey provided by a third party approved by the Building Official, or designee. The survey shall itemize the materials that are reusable and salvageable in the project.

(b) Applicants are encouraged to make every building planned for demolition available for deconstruction, salvage, and recovery prior to demolition; and shall allow 10 days, from when the Waste Management Plan is submitted, to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition.

(c) Single-family residential demolition projects required to get a deconstruction survey shall allow 10 days, once the deconstruction survey is submitted, to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition.

(d) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this chapter.

## 10.44.040 - Diversion Requirements.

(a) Construction and Demolition Debris diversion must comply with the most current California Green Building Standards Code (CALGreen) requirement of generated construction materials and any future changes to the diversion rate under that Code.

(b) In addition to the CALGreen Requirements, all inert solids must be reused or recycled.

(c) For each covered project, the diversion requirements of this chapter shall be met by submitting and following a County of San Mateo Waste Management Plan.

## 10.44.050 - Required Information Prior To Permit Issuance.

Every applicant shall submit a properly completed County of San Mateo "Waste Management Plan," on a form prescribed by the County, as an integral part of the building or demolition permit application process for a covered project. The Waste Management Plan shall indicate the intended salvage, reuse, and recycling facilities, chosen from a list of facilities approved by the County, for all Construction and/or demolition debris from the project. Alternative facilities or special salvage or reuse options may be approved by the Building Official, or designee upon request. Approval by the Building Official, or designee, of the Waste Management Plan as complying with this chapter shall be a condition precedent to the issuance of any building or demolition permit for a covered project. Elements of the Waste Management Plan shall include the following:

1. Deconstruction and salvage of all or part of the building as practicable.
2. All inert solids shall be taken to reuse or recycling facilities approved by the County.
3. Either:

    a. Taking all mixed construction and demolition debris to the Mixed Construction and Demolition Debris Recycling facilities approved by the County and taking all sorted or crushed construction and demolition debris to approved facilities. OR

    b. Source separating non-inert materials, such as cardboard and paper, wood, metals, green materials, gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to reuse or recycling facilities approved by the County.

## 10.44.060 - Administrative Fee.

As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the County a fee as established by resolution to compensate the County for all expenses incurred in administering this chapter.

## 10.44.060 - Reporting.

(a) No later than thirty (30) days following the completion of a permitted demolition project or construction project, the applicant shall, as a condition of final approval and/or for issuance of any certificate of occupancy, submit documentation to the County that demonstrates compliance with the requirements of this chapter.

(b) The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The applicant’s approved "Waste Management Plan" shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The applicant

shall sign the completed "Waste Management Plan" form to certify its accuracy as part of the compliance documentation.

(c) Progress reports during construction may be required.

(d) All documentation submitted pursuant to this section is subject to verification by the County.

(e) It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.

## 10.44.070 - Penalties And Enforcement.

(a) Each violation of the provisions of this Article shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for up to six (6) months, or by a fine of up to one thousand dollars ($1,000), or both. Each day that a violation continues shall be deemed a new and separate offense.

(b) The Building Official, or designee shall have the authority to enforce this Article as specified in section 9005 of the San Mateo County Building Regulations, including but not limited to the authority to order that work be stopped where any work is being done contrary to the provisions of this chapter.

## 10.44.080 - CHAPTER 4, Residential Mandatory Measures (Amended)

§4.106.4 Electric vehicle (EV) charging. [Amended] New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculations for spaces shall be rounded to the nearest whole number.

Exception 1: On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon or more of the following conditions:

1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.

1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of $4,500 per parking space for market rate housing or $400 per parking per space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

**Exception 2:** Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical pane upgrade or ne panel installation. Detached ADUs, attached ADUS and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.

**Exception 3:** Multifamily residential R-2 building projects that have approved entitlements before September 10th 2020 Ordinance NO. 4824, Section 9210, based on the total number or parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.

**§4.106.4.1 One- and two-family dwellings and town- houses with attached private garages [Amended].**

**§4.106.4.1.1 New Construction.** One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready* space.

**§4.106.4.2 Multifamily dwellings with residential parking facilities.** Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

**§4.106.4.2.1 New Construction.** Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces

and EVCS in multifamily developments shall comply with California Building Code, Chapter A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

§ 4.106.4.2.2 Existing Buildings.

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

§4.106.4.3 Electric vehicle charging stations (EVCS). Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.

Exception Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

§4.106.4.3.1 Location. EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3 and Section 4.106.4.3.

**§4.106.4.3 Dimensions.** The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
    a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

**Exception:** Where the applicable Ordinance Code or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

**§4.106.4.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

**§4.106.5 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use *combustion equipment* or are ready to accommodate installation of *electric heating appliances*.

Exception 1 Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems.

Exception 2 If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Exception 3 Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for a modification to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official may grant this modification if they finds the following:

1. There is a business-related reason to cook with a flame.
2. This need cannot be reasonably achieved with an electric fuel source.

Exception 4 Public agency owned and operated emergency centers.

Exception 5 Parcels or sites currently served by the electrical supplying agency, and where at least one building intended for human occupancy and constructed prior to February 25, 2020 currently exists:
Where, due to local site conditions, an applicant establishes that it is infeasible to construct an all-electric building, the Building Official shall have the authority to grant an exception provided they finds that one of the following conditions apply:

1. That for undergrounded utilities, the distance from the point-of-connection at the proposed building to the location of the supplying agency exceeds 300 linear feet, and that any existing underground electrical conduits are not of adequate size or in such condition as to permit the installation of adequately sized conductors for the proposed new construction. Other factors, such as the point-of-connection location specified by the supplying agency being located on the opposite side of a street and trenching across a street would be required to complete the installation, may also be considered by the Building Official for this exception.
2. That for overhead utilities, the cost of installing new or upgraded conductors and equipment required for such conductors would exceed 10% of the total project cost and, thereby, present a financial hardship to the applicant.

Note 1: If natural gas appliances are used in any of the above exceptions 1-4, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. The pre-wiring shall include the following:

(a.) Dedicated electrical circuit for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle that is connected to an electrical overcurrent protection device, extending to within 3 feet of the appliance and accessible without obstructions.

(b.) Panel and electrical receptacle to be labeled "For Future Electric appliance" and be electrically isolated.

(c.) A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled for each circuit, an example is as follows (i.e.: "For Future Electric Range;"); and

(d.) All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

(e.) Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the

construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Note 2: If any of the exceptions a-c are granted, the Building Official shall have the authority to approve alternate materials, design and methods of construction or equipment per CBC 104 or CRC R104, as applicable.

## 10.44.090 - CHAPTER 5 NONRESIDENTIAL MANDATORY MEASURES

§5.106.5.3 Electric vehicle (EV) charging. Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3.* For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
    a. Where there is no local utility power supply.
    b. Where the local utility is unable to supply adequate power.
    c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of $4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

§5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared Parking Space.

5.106.5.3.1.1 New Construction. Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

§5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.

5.106.5.3.2.1 New Construction. Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

§5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.

5.106.5.3.3.1 New Construction. Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.3.2 Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

5.106.5.3.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

**5.106.5.4 Electric vehicle ~~(EV)~~ charging readiness: medium-duty and heavy-duty[N]** Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3.* For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

**Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
    a. Where there is no local utility power supply.
    b. Where the local utility is unable to supply adequate power.
    c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of $4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

**5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces.** In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1.1 to accommodate the dedicated branch circuits for the future installation of EVSE.

2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty ~~Z~~EV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.1.

3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.

4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.1.

TABLE 5.106.5.4.1.1, Raceway Conduit and Panel power Requirements for Medium-and-Heavy-Duty EVSE

| Building type | Building Size (sq. ft.) | Number of Off-street loading spaces | Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel |
|---|---|---|---|
| Grocery | 10,000 to 90,000 | 1 or 2 | 200 |
| | | 3 or Greater | 400 |
| | Greater than 90,000 | 1 or Greater | 400 |
| Retail | 10,000 to 135,000 | 1 or 2 | 200 |
| | | 3 or Greater | 400 |
| | Greater than 135,000 | 1 or Greater | 400 |

| Building type | Building Size (sq. ft.) | Number of Off-street loading spaces | Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel |
|---|---|---|---|
| Warehouse | 20,000 to 256,000 | 1 or 2 | 200 |
| | | 3 or Greater | 400 |
| | Greater than 256,000 | 1 or Greater | 400 |

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use *combustion equipment* or are ready to facilitate future electrification.

Exception 1 Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems.

Exception 2 If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building or space regulated by the Green Building Code, and that the building or space is not able to achieve compliance with the Green Building Code using the alternative calculation method and utilizing commercially available technology, then the Building Official may grant a modification. If the Building Official grants a modification pursuant to this Exception.

Exception 3 Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for a modification to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official may grant this modification if they finds the following:

1. There is a business-related reason to cook with a flame.

2. This need cannot be reasonably achieved with an electric fuel source.

Exception 4 Public agency owned and operated emergency centers.

Exception 5 Parcels or sites currently served by the electrical supplying agency, and where at least one building intended for human occupancy and constructed prior to the existence of this ordinance (February 25, 2020) currently exists:

Where, due to local site conditions, an applicant establishes that it is infeasible to construct an all-electric building, the Building Official shall have the authority to grant an exception provided they finds that one of the following conditions apply:

1. That for undergrounded utilities, the distance from the point-of-connection at the proposed building to the location of the supplying agency exceeds 300 linear feet, and that any existing underground electrical conduits are not of adequate size or in such condition as to permit the installation of adequately sized conductors for the proposed new construction. Other factors, such as the point-of-connection location specified by the supplying agency being located on the opposite side of a street and trenching across a street would be required to complete the installation, may also be considered by the Building Official for this exception.
2. That for overhead utilities, the cost of installing new or upgraded conductors and equipment required for such conductors would exceed 10% of the total project cost and, thereby, present a financial hardship to the applicant.

Note 1: If natural gas appliances are used in any of the above exceptions 1-4, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. The pre-wiring shall include the following:

(a.) Dedicated electrical circuit for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle that is connected to an electrical overcurrent protection device, extending to within 3 feet of the appliance and accessible without obstructions.

(b) Panel and electrical receptacle to be labeled "For Future Electric appliance" and be electrically isolated.

(c) A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled for each circuit, an example is as follows (i.e.: "For Future Electric Range;"); and

(d) All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

(e) Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Note 2: If any of the exceptions a-c are granted, the Building Official shall have the authority to approve alternate materials, design and methods of construction or equipment per CBC 104 or CRC R104, as applicable.

# *CHAPTER 10.48 - PROPERTY MAINTENANCE CODE*

## 10.48.010 - Adoption Of 2018 International Property Maintenance Code.

The latest adopted edition of the 2018 International Property Maintenance Code is hereby adopted and incorporated by reference within the referenced code above and all amendments, errata, and/or emergency supplements, including local amendments as set forth herein, are also adopted during this triennial California Building Standards Code cycle. A copy of the "International Property Maintenance Code" is on file at the San Mateo County Building Inspection Section.

## 10.48.020 - General.

§101.1 Title. [*Amended*] These regulations shall be known as the *International Property Maintenance Code* of the County of San Mateo, hereinafter referred to as "this code."

§102.3 Application of other codes. [*Amended*] Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *County of San Mateo Building Regulations.* Nothing in this code shall be construed to cancel, modify or set aside any provision of the *County of San Mateo Zoning Regulations.*

## 10.48.030 - Department Of Property Maintenance Inspection.

§103.5 Fees. [*Amended*] The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the County of San Mateo Fee Schedule.

## 10.48.040 - Stop Work Order.

§112.4 Failure to comply. [*Amended*] 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 the provisions of Section 10.04.040 of the San Mateo County Ordinance Code.

## 10.48.050 - Definitions.

§202 Definitions [*Amended*]

Bedroom: [*Amended*] A room used for sleeping purposes that has a minimum floor area of seventy (70) square feet and that is not less than seven (7) feet in any direction. A study, sewing room, sitting room, office, den, or similar room shall be considered a bedroom/sleeping room if it contains a closet, alcove, indentation, or wing wall which creates and area greater than eighteen (18) inches in depth.

## 10.48.060 - Exterior Property Areas.

§302.4 Weeds. [*Amended*] Premises and exterior property shall be maintained free from weeds in excess of 18 inches. Noxious weeds shall be prohibited. Weeds shall be defined as a herbaceous plant not valued for use or beauty, growing wild, and regarded as hindering the growth of superior vegetation, and does not include trees or

shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 10.04.040 of these Regulations and as prescribed by the Authority Having Jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

§304.3 Premises identification. [*Amended*] Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke of 0.5 inch.

§304.14 Insect screens. [*Amended*] During the period from January 1 to December 31, every 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 minimum 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: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

## 10.48.070 - Heating Facilities.

§602.3 Heat supply. [*Amended*] 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 January 1 to December 31 to maintain a minimum temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality,

maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D or the California Plumbing Code.

2. In areas where the average monthly temperature is above 30 degrees F (-1 degree C), a minimum temperature of 65 degrees F (18 degrees C) shall be maintained.

§602.4 Occupiable workspaces. [*Amended*] Indoor occupiable workspaces shall be supplied with heat during the period from January 1 to December 31 to maintain a

minimum temperature of 65 degrees F (18 degrees C) during the period spaces are occupied.

# *CHAPTER 10.52 - MOVED BUILDINGS*

## 10.52.010 - Definitions.

For the purposes of this Article, certain terms, phrases, and words shall be construed as follows:

"Building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

"Building Official" is the Director of Planning and Building Department, in accordance with Section 10.04.050 of this Title 10, shall refer to the person to whom is delegated as Building Inspection Manager of the Building Inspection Section, Planning and Building Department, County of San Mateo.

"Structure" is that which is built or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

## 10.52.020 - Permits Required.

No person shall move any building or structure into or within the unincorporated territory of the County or shall remove any building or structure from the unincorporated territory without first obtaining a permit for each such building or structure to be moved or removed.

## 10.52.030 - Application.

To obtain a permit to move or remove a building or structure, the applicant shall first file an application with the Building Inspection Section. In addition to an application for a building permit, every application for a house moving permit shall also contain the following information:

1. The location and legal description of the land on which the building or structure to be moved or removed, at the time of the application, is situated.

2. The location and legal description of the land to which the building or structure is to be moved, even if that location is not within the unincorporated territory of San Mateo County.

3. The alterations or additions, if any, to be made to the building or structure to be moved or removed. Such alterations or additions shall also be subject to obtaining a building permit.

4. The name and address of the person who will install the foundations and do any other necessary work that may be required at the new site, if the building or structure is to be moved or removed to land within the unincorporated territory of the County of San Mateo. Any such foundation work is subject to obtaining a building permit.

5. The name and address of the person who will move or remove the building or structure to be moved or removed.

6. The use made of the building of structure to be moved or removed at the time of application.

7. The use to be made of the building or structure if it is to be moved or removed to land within the unincorporated territory of the County of San Mateo.

8. Any such other information as may reasonably be required by the Building Official.

## 10.52.040 - Fees.

Fees for permits issued in conformance with this Article are set by resolution of the Board of Supervisors. All fees shall be paid at the time of application including any intended to cover pre-site inspections required by the Building

Official. Other fees regarding the placement of the moved building, if within unincorporated San Mateo County, shall be provided at the time of application for a building permit to allow such placement.

## 10.52.050 - Investigation And Report.

The Building Inspection Section of the San Mateo County Planning and Building Department, upon receipt of application for a permit to move or remove a building or structure pursuant to this Chapter 10.52, shall make all necessary inspections to determine whether such building or structure may be moved safely without its being demolished or destroyed and shall determine whether or not the proposed location of any building or structure sought to be moved or removed to the unincorporated territory of the County of San Mateo meets the requirements of the San Mateo County Building Regulations and any other laws or ordinances appertaining thereto. The application may also be examined and reviewed by other departments of the County of San Mateo to check compliance with the laws and ordinances. Upon making inspections and the completion of investigation of the application for a permit to move or remove any building or structure, the Building Official shall make and file a written report of findings and recommendations regarding the application.

## 10.52.060 - Issuance Of Permit.

If the written report of the Building Official shows that the building or structure specified in the application may be moved safely without its being demolished or destroyed and if the report shows that to where the building or structure is to be moved or removed to within unincorporated County of San Mateo, the building or structure, when so moved or removed, will conform with the requirements of any applicable laws and ordinances, the Building Official shall issue the permit. The following conditions shall be met by the applicant prior to any movement of a structure:

1. The person named in the application as the person who will move the building or structure to be moved or removed shall furnish evidence of public liability insurance covering injuries to persons and property by reason of the proposed moving or removing of said building in a reasonable dollar amount to be approved by the Building Official.

2. When the building to be moved will be crossing or be transported along any County-maintained roadway, a

transportation permit may be required by the Director of Public Works. Prior to the issuance of a transportation permit, the applicant or authorized agent, or the contracted house mover shall provide the County with financial assurance for liability during the transportation of the building to the satisfaction of the Director of Public Works.

3. Where the building is to be moved or removed to land within the unincorporated territory of the County of San Mateo, the applicant or authorized agent, shall provide the County with financial assurance the amount of which is to be determined by the Building Official, guaranteeing the performance for all necessary work and improvements to be completed within on hundred twenty (120) days. Such work and improvements shall include, but not be limited to, the furnishing of all labor and materials necessary to move the building as well as bring the building into code conformance. Any such actions will be in accordance with any applicable laws, ordinances and resolutions of the State of California or the County of San Mateo with respect to health, building, grading, transportation, and zoning.

## 10.52.070 - Denial Of Permit.

If the report prepared by the Building Official shows that moving or removing the building or structure specified in the application may not be done safely without its being demolished or destroyed, the application shall be denied. If the report of the Building Official shows that where the building or structure specified in the application is to be moved or removed into the unincorporated territory of the County of San Mateo that said building or structure may not be made to conform with the requirements of any laws and ordinances applicable thereto, the Building Official shall deny the application for a permit.

## 10.52.080 - Compliance With Other Laws And Ordinances.

No permit issued pursuant to this Article shall relieve the applicant from compliance with any requirements of law or ordinances or other jurisdictions outside of the unincorporated territory of the County of San Mateo.

### 10.52.090 - Appeals.

Appeals for different purposes may be made either to the Planning Commission or to the Board of Building Permit Appeals, as follows:

1. Planning Commission. Any aggrieved person may appeal a house moving permit when any permits are also issued under Division VI (Zoning Regulations) within ten (10) working days of such issuance to the Planning Commission.

2. Board of Building Permit Appeals. Any person having record title or legal interest in the building to be moved or removed may appeal from a decision of the Building Official to deny a house moving permit. Such appeal shall be to the Board of Building Permit Appeals in accordance with Article 2, Chapter 10.56, of this Title.

## *CHAPTER 10.56 - BOARD OF PERMIT APPEALS.*

### 10.56.010 - Establishment Of Board Of Permit Appeals.

A Board of Building Permit Appeals is hereby established to perform the following two functions:

1. To resolve disputes between the Building Official and building permit applicants or holders concerning the proper interpretation of the: *California Building Code; California Residential Code; California Historical Building Code; California Existing Building Code; California Mechanical Code; California Electrical Code; California Plumbing Code; California Energy Code; California Green Building Standards Code; International Property Maintenance Code;* and any other Building Code adopted by the San Mateo County Ordinance Code or enforced by the County of San Mateo.

2. Authorized the Building Official to record notices of violations of the foregoing codes with the San Mateo County Recorder.

## 10.56.020 - Composition Of The Board.

The Board shall consist of five members, all of whom shall be appointed by the Board of Supervisors. All five Board members must be residents of San Mateo County. All five members shall reside in the unincorporated area of San Mateo County. At least one member shall be a domestic resident of the "Skyline-South Coast" region of the County. At least one member shall be a domestic resident of the "Midcoast" region of the County. At least one member shall be a domestic resident of the unincorporated "Bayside" region of the County. At least three members shall have technical licensed backgrounds and be actively engaged in one or more of the construction trades regulated by the codes referenced in Paragraph 1 of Section 10.56.010, above. The Board of Supervisors may waive any of these requirements when appointing any member to the Board of Permit Appeals. Such members shall be appointed for three-year terms but shall serve at the pleasure of the Board of Supervisors. The initial appointments, however, shall be made for one-, two-, or three-year terms as the Board of Supervisors may decide.

## 10.56.030 - Compensation Of Board Members.

Each Board member shall be paid the sum of $50.00 for each Board meeting that they attends, provided that no member shall be paid for more than one meeting per month.

## 10.56.040 - Quorum.

The presence of three Board members at a meeting shall constitute a quorum and enable the Board to perform its duties. Decisions may be made by at least three members.

## 10.56.050 - Staff Support.

The Planning and Building Department shall provide staff support to the Board.

## 10.56.060 - Meetings.

The Board shall meet at least once a month and designate a mutually agreeable week, day and time of that monthly meeting. Such meetings shall be subject to the requirements of the Brown Act, Government Code Section 54950, et seq. The Board may cancel any monthly meeting.

## 10.56.070 - Hearings.

The following persons may apply for a hearing before the Board:

1. Any person who has received a notice of violation or a stop work notice from the Building Official and believes that said notice is based upon an incorrect interpretation or results from an incorrect application of any of the codes referenced in Paragraph 1 of Section 10.56.010 above.

2. Any person who has been denied a building permit by the Building Official and believes that the denial is based upon an incorrect interpretation or results from an incorrect application of any of the codes referenced in Paragraph 1 of Section 10.56.010, above.

The Board shall adopt rules for hearing such applications and shall establish procedures for providing adequate notice to permit applicants or holders and other interested persons.

## 10.56.080 - Board Powers.

Upon completion of the hearing, the Board may take one or more of the following actions:

1. Order the Building Official to record the notice of violation.

2. Request the County Counsel to invoke legal process to obtain code compliance.

3. Grant relief to the applicant in the form of time to correct the violation giving the applicant a date certain by which the violation is to be corrected and upon which the Building Official will be ordered to record the notice of violation should the violation not be corrected.

4. Order granting or denial of the building, mechanical, plumbing, or electrical permit.

## 10.56.090 - Additional Board Powers.

In addition to the powers previously granted to the Board in this Article, the Board shall also have the discretion to:

1. Allow for the use of alternate building materials provided that the proposed use of alternate building materials is provided for in the appropriate code.

2. Allow for variances to applicable code requirements where the Board is satisfied that health and safety will

not be jeopardized by the variance and where strict adherence to the requirement of the applicable code will cause practical difficulties or unnecessary hardships.

3. Review and adjust the investigation or penalty fees which have been assessed against the hearing applicant.

## 10.56.100 - Decisions Of The Board.

Decisions of the Board shall be final and shall not be appealable to the Board of Supervisors or any other County board, commission, or department.

## 10.56.110 - Posting Of Notices Of Violations/Stop Work Notices.

The Building Official shall post the notice conspicuously on the property which is the subject of the notice of violation and/or Stop Work Notice and shall mail a copy of the notice to the owner of record of the property as listed with the office of the County Assessor and to the holder of any building permit. If a contractor has taken the subject building permit on behalf of the owner of the property and the Building Official is aware of the name and address of the contractor, the Building Official shall also mail a copy of the notice to the contractor.

## 10.56.120 - Recordation Orders.

The Board at the request of the Building Official may also order the Building Official to record notices of violations with the County Recorder when the Building Official demonstrates to the Board's satisfaction that:

1. The Building Official posted a notice of violation on the subject property and mailed a copy of the notice of violation to the owner and the contractor, if known.

2. The owner or the contractor did not respond to the notice of violation within twenty (20) calendar days of the date of the notice; or, if a response was made, the Building Official was not satisfied that the code violation or violations were remedied within a reasonable period as determined by the Building Official;

3. The Building Official thereafter posted a notice of intent to record the notice of violation on the property and mailed a copy of the notice of intent to the owner and the contractor, if known.

4. The owner or the contractor did not respond to the notice of intent to record within ten (10) calendar

days of the date of the notice; or, if a response was made, the Building Official was not satisfied that the code violation or violations were remedied within a reasonable period as determined by the Building Official.

5. The recordation of notices of violation shall be limited to those situations which, in the judgement of the Board of Building Permit Appeals, represent serious violations of the codes specified in Paragraph 1 of Section 9240 of this Article. The Board of Building Permit Appeals shall recommend to the Board of Supervisors the criteria for determining serious violations.

## 10.56.130 - Notice Of Recordation/Notice Of Expungement.

In all cases in which the Board orders the Building Official to record a notice of violation, it shall likewise order the Building Official to mail a notice of recordation to the owner of the property after recordation of the notice of violation has been accomplished. Said notice of recordation shall also advise the owner how the subject code violation or violations may be remedied. Upon being satisfied that the subject code violation or violations have been remedied, the Building Official, upon receipt of payment of an expungement fee, shall record a notice of expungement documenting the fact that the applicable code violation or violations have been cured and shall mail a copy of the notice of expungement to the owner of the property. Disputes as to whether a given code violation has been remedied thereby entitling the owner to a notice of expungement are appealable to the Board in the same manner as set forth in Section 10.56.070 of this Article.

## 10.56.140 - Caveat.

Nothing herein shall preclude the Planning and Building Department from immediate referral of code violation cases to the County Counsel's office for enforcement when said violations represent an imminent hazard to persons or property. Nothing herein shall preclude the Planning and Building Department from availing itself of any summary or emergency nuisance abatement ordinances or statutes when code violations represent an imminent hazard to persons or property and where the San Mateo County Ordinance Code or any other applicable body of law provides for the summary or emergency abatement of the type of nuisance created by the code violation.

# ARTICLE 3 - SMALL ROOFTOP SOLAR ENERGY SYSTEMS

## *CHAPTER 10.60 - EXPEDITED PERMITTING*

### 10.60.010 - Permitting Process For Small Rooftop Solar Energy Systems.

Sections 9261 through 9267 establish an expedited permitting process for small Residential Rooftop Solar Systems.

### 10.60.020 - Purpose.

The intent of this Chapter 10.60 is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems while protecting public health and safety.

This Chapter 10.60 shall apply to the permitting of all small residential rooftop solar energy systems, as defined herein, in the unincorporated area of the County.

### 10.60.030 - Definitions.

The following definitions shall be applicable to this Chapter 10.60. Building Official: means the San Mateo County Director of Planning and Building or the Director's designated staff representatives, in accordance with Section 10.040.050 of Title 100 (Building Regulations) of The San Mateo County Ordinance Code..

Small residential rooftop solar energy system means a solar energy system which meets all of the following criteria:

a. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

b. A solar energy system that conforms to: (1) all applicable State fire, structural, electrical, and other building codes as adopted or amended by the County; (2) all State and County health and safety standards consistent with Section 65850.5 of the Government Code; and (3) 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 per California Civil Code Section 714(c)(3).

c. A solar energy system that is installed on a single- or duplex- family dwelling.

d. A solar panel or module array that does not exceed the maximum legal building height limit as defined by the County Zoning Regulations or other ordinances applicable to the location of the single- or duplex-family dwelling.

Solar energy system: A system which is an accessory use to any residential, commercial, industrial, mining, agricultural or public use, used primarily (i.e., more than 50 percent) to reduce on-site utility usage, and which is either of the following, as specified by paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the California Civil Code, as such section may be amended, renumbered or re-designated from time to time:

a. Any solar collector or other solar energy device, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

b. Any structural design feature of a building, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

Specific, adverse impact: 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.

## 10.60.040 - Small Residential Rooftop Solar System Requirement

A building permit is required to install any solar energy system, including a small residential rooftop solar energy system.

All small residential rooftop solar energy systems shall meet applicable health and safety standards and requirements imposed by the State, the County of San Mateo and, if ratified by the County, requirements imposed by fire authorities serving unincorporated areas.

Solar energy systems for heating water in single-family residences and solar collectors for heating water in swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

All 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 Underwriter's Laboratories and, where applicable, rules of the Public Utilities Commission.

## 10.60.050 - Permit Process.

The Building Official shall develop an administrative, non-discretionary expedited review process for small residential rooftop solar energy systems, including application form, standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.

The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to the recommendations for expedited permitting, including the checklists 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.

The application form, standard plans and checklists for small residential rooftop solar energy systems adopted by the Building Official, as well as all other required permitting documentation, shall be published on the County's website.

An applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal (email, internet or facsimile), as specified on the County website.

Electronic signatures shall be accepted by the County on all electronic submittals in lieu of wet signature, in conformance with California Government Code Section 16.5 and 2 Cal. Code Regs. Section 22000 et seq.

## 10.60.060 - Application Review.

An application shall be deemed complete if the Building Official determines it includes all of the information and documents required by the application form, the standard plan form and the standard checklist. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to complete the application for expedited permit issuance shall be sent to the applicant as soon as practicable.

Upon confirmation that an application is complete, the Building Official or staff shall review the application on an expedited basis.

The Building Official shall issue a building permit within a reasonable time following receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Chapter 10.60, including all local, State, and Federal health and safety requirements, and after all the required fees have been paid. The permit may be issued electronically.

Approval of an application shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the California Civil Code.

Approval of an application does not authorize connection to the electrical grid, which must be obtained from the applicable utility.

## 10.60.070 - Use Permit Requirement.

The Building Official may require an applicant to apply for a use permit pursuant to the procedures contained in Section 6503 and other applicable sections of the San Mateo County Zoning Regulations, if the Building Official finds, based on substantial evidence, that the small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety. If the Building Official determines that an applicant shall be required to apply for a use permit, the Building Official shall provide the applicant with written notice of

this determination which sets forth the factors supporting this determination and the evidence relied upon in making the determination. A decision of the Building Official to require a use permit may be appealed to the County Planning Commission, according to the procedures set forth in Section 6104(j) of the San Mateo County Zoning Regulations.

Use permit applications shall be submitted to the County Planning and Building Department and acted on by the County Planning Commission pursuant to Section 6503 of the San Mateo County Zoning Regulations. The Planning Commission may deny a use permit upon written findings based on substantial evidence that the proposed installation would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, including but not limited to any cost- effective method, condition or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The findings shall include the basis for the rejection of any potential feasible alternatives proposed by the applicant for preventing the adverse impact.

Decisions by the Planning Commission to deny, approve or approve with conditions any use permit may be appealed to the County Board of Supervisors pursuant to Section 6504 of the San Mateo County Zoning Regulations.

Any conditions imposed on a permit to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible. The County shall use best efforts to ensure that any selected method, condition or mitigation meets the conditions of Civil Code Section 714(d)(1), subparagraphs (A) and (B), which define restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

## 10.60.080 - Inspection.

As soon as practicable after the applicant notifies the Building Official that a small residential rooftop solar energy system has been installed under a building permit, the Building Official shall inspect the system to verify compliance with the building permit requirements and standards. Only one inspection shall be required and performed by County staff for small residential rooftop solar energy systems eligible for expedited review.

However, a separate fire inspection may be performed if an agreement with the local fire authority does not exist for County staff to perform safety inspections on behalf of the fire authority.

If the Building Official determines that the system was not installed in compliance with the building permit, the Building Official will notify the permittee of the actions needed to bring the system into compliance and will conduct additional inspections as necessary. No small residential rooftop solar system may be operated until the Building Official verifies in writing that it complies with the building permit and all checklist requirements.

# ARTICLE 4 - ELECTRIC VEHICLE CHARGING STATIONS.

## *CHAPTER 10.64 - EXPEDITED PERMITTING.*

### 10.64.010 - Permitting Electric Vehicle Charging Stations.

Sections 9271 through 9277 establish an expedited permitting process for Electric Vehicle Charging Stations.

### 10.64.020 - Purpose.

The intent of this Chapter 10.64 is to adopt an expedited, streamlined permitting process for electric vehicle charging stations to achieve timely and cost- effective installations of electric vehicle charging stations while protecting public health and safety.

This Chapter 10.64 shall apply to the permitting of all electric vehicle charging stations, as defined herein, in the unincorporated area of the County.

### 10.64.020 - Definitions.

The following definitions shall be applicable to this Chapter 10.64.

Building Official: means the San Mateo County Director of Planning and Building or the Director's designated staff representatives, in accordance with Section 10.04.050 of Article 1 of the San Mateo County Ordninance Code..

Electric Vehicle Charging Station or charging station: means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Section, and delivers electricity from a service

outside an electric vehicle into a plug-in electric vehicle.

Specific, adverse impact: 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.

## 10.64.030 - Electric Vehicle Charging Station Requirements

a. A building permit is required to be obtained by the property owner or licensed contractor to install any electric vehicle charging stations.

b. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the State, the County of San Mateo and, if ratified by the County, requirements imposed by fire authorities serving unincorporated areas.

c. All electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, Society of Automotive Engineering, the National Electrical Manufacturer's Association, and accredited testing laboratories such as Underwriter's Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

## 10.64.040 - Permit Process.

a. The Building Official shall develop an administrative, non- discretionary expedited review process for electric vehicle charging stations, including application form, standards and checklist(s). The checklist(s) shall set forth all requirements with which the charging stations must comply in order to be eligible for expedited review.

b. The electric vehicle charging stations permit process, standards, and checklist(s) shall substantially conform to the recommendations for expedited permitting, including the checklists and standards, contained in the most current version of the Zero-Emissions Vehicles in California: Community Readiness Guidebook, including but not limited to the "Plug-In Electric Vehicle Infrastructure Permitting Checklist"

adopted by the Governor's Office of Planning and Research.

c. The application form, standards and checklists for electric vehicle charging stations adopted by the Building Official, as well as all other required permitting documentation, shall be published and made publically accessible on the County's website.

d. An applicant may submit the application and related documentation for an electric vehicle charging station by electronic submittal (email, internet or facsimile), as specified on the County website. Electronic signatures shall be accepted by the County on all electronic submittals in lieu of wet signature.

## 10.64.050 - Application Review.

a. An application shall be deemed complete if the Building Official determines it includes all of the information and documents required by the application form, the standards and the standard checklist. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to complete the application for expedited permit issuance shall be sent to the applicant.

b. The Building Official shall issue a building permit within a reasonable time following receipt of a complete application that meets the requirements of the approved checklist, standards and this Chapter 10.64, including all local, State, and Federal health and safety requirements, and after all the required fees have been paid. The permit may be issued electronically.

c. Approval of an application shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the California Civil Code.

d. Approval of an application does not authorize connection to the electrical grid, which must be obtained from the applicable utility. An application submitted to an entity which owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

## 10.64.060 - Use Permit Requirement.

a. The Building Official may require an applicant to apply for a use permit pursuant to the procedures

contained in Section 6503 and other applicable sections of the San Mateo County Zoning Regulations, if the Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. If the Building Official determines that an applicant shall be required to apply for a use permit, the Building Official shall provide the applicant with written notice of this determination which sets forth the factors supporting this determination and the evidence relied upon in making the determination. A decision of the Building Official to require a use permit may be appealed to the County Planning Commission, according to the procedures set forth in Section 6104(j) of the San Mateo County Zoning Regulations.

b. Use permit applications shall be submitted to the County Planning and Building Department and acted on by the County Planning Commission pursuant to Section 6503 of the San Mateo County Zoning Regulations. The Planning Commission may deny a use permit upon written findings based on substantial evidence that the proposed installation would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, including but not limited to any cost-effective method, condition or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The findings shall include the basis for the rejection of any potential feasible alternatives proposed by the applicant for preventing the adverse impact.

c. Decisions by the Planning Commission to deny, approve or approve with conditions any use permit may be appealed to the County Board of Supervisors pursuant to Section 6504 of the San Mateo County Zoning Regulations.

d. Any conditions imposed on a permit to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

## 10.64.070 - Inspection.

a. After the applicant notifies the Building Official that an electric vehicle charging station has been installed under a building permit, the Building Official shall inspect the charging station to verify compliance with the building permit requirements and standards.

b. If the Building Official determines that the charging station was not installed in compliance with the building permit, the Building Official will notify the permittee of the actions needed to bring the system into compliance and will conduct additional inspections as necessary. No charging station may be operated until the Building Official verifies in writing that it complies with the building permit and all checklist requirements.

# ARTICLE 5 - REGULATIONS FOR EXCAVATING, GRADING, FILLING AND CLEARING ON LANDS IN UNINCORPORATED SAN MATEO COUNTY

## *CHAPTER 10.68 - EXCAVATING, GRADING, FILLING AND CLEARING.*

### 10.68.010 - Scope And Purpose.

It is the declared intent of the County of San Mateo to promote the conservation of natural resources, including topography and vegetation, as well as to protect health and safety, which includes the reduction or elimination of the hazards of earth slides, mud flows, rock falls, undue settlement, erosion, siltation, and flooding, or other special conditions. To achieve these goals, the adverse effects of grading, cut and fill operations, land clearing, water runoff, and soil erosion must be minimized. Therefore, the following regulatory provisions of this Chapter 10.68 shall apply for the purpose of stringent control of all aspects of grading and clearing operations and to establish procedure for issuance, administration and enforcement of a permit.

### 10.68.020 - Application Of Chapter.

This Chapter 10.68 shall apply to all grading and excavating operations conducted in the unincorporated portions of the County, unless such operations are specifically excepted or unless a permit for such operations is required in accordance with Sections 8.280.010 and 8.280.020 of the San Mateo County Ordinance Code, Zoning Annex.

### 10.68.030 - Definitions.

For the purposes of this Chapter 10.68, the following definitions apply:

1. Architect: A professional architect registered in and by the State of California.

2. As Graded: The surface conditions extant on completion of grading.

3. Bedrock: In-place solid rock.

4. Bench: A relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.

5. Best Management Practices Handbook: A compilation of erosion and sediment control measures which is maintained by the County Planning and Building Division.

6. Blending: A term for the intermixing and compaction of natural site soils (such as materials from two natural soil horizons), or for the intermixing of natural site soils with imported soil or other materials.

7. Borrow: Earth material acquired from on- or off-site locations for use in grading on a site.

8. Buttress Fill: A compacted fill placed in such a manner as to buttress and retain weak or unstable materials.

9. Certification: A written engineering or geological opinion concerning the progress and completion of the work.

10. Civil Engineer: A professional engineer registered in and by the State of California to practice in the field of civil works.

11. Civil Engineering: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

12. Contour Rounding: The rounding of cut and fill slopes in the horizontal and vertical planes to promote stability, to blend with existing contours or to provide horizontal variation, and to eliminate the artificial appearance of slopes.

13. Compaction: The densification of a fill by mechanical or other means.

14. Competent Material: Earth material capable of withstanding the loads or forces which are to be imposed

upon it without failure or detrimental settlement as certified by the appropriate geotechnical consultant.

15. County: When referring to approvals, denials or waivers, shall mean the County of San Mateo, or its designees.

16. Depth of Cut or Fill: The vertical distance between existing natural ground and the finish elevation at any location.

17. Drainage Way: A natural or manmade channel which collects and intermittently or continuously conveys stormwater runoff.

18. Dust Control Plan: A written procedure describing the method, equipment, and materials to be used in minimizing and controlling dust arising from the construction activities.

19. Earth Material: Any rock, or natural soil or any combination thereof.

20. Engineering Geologist: A professional engineering geologist certified in and by the State of California to practice in the field of engineering geology.

21. Engineering Geology: The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

22. Erosion: The wearing away of the ground surface as a result of the movement of wind, or water.

23. Erosion Control Plan: A written report describing the measures, materials and implementation schedule proposed for erosion control on a grading site, as per Performance Standards for Erosion and Sediment Control Plans described in the Grading Permit Performance Standards Handbook.

24. Excavation: The mechanical removal of earth material.

25. Fill: A deposit of earth or waste material placed by artificial means. (Engineered fill is material placed according to the recommendations and under the observation of a geotechnical consultant.)

26. Geotechnical Consultant: A soil engineer or engineering geologist.

27. Grade: The vertical location of the ground surface.

28. Grade, Existing: The grade prior to grading.

29. Grade, Finish: The final grade of the site which conforms to the approved plan.

30. Grade, Rough: The stage at which the grade approximately conforms to the approved plan.

31. Grading: Any excavating, filling, or placement of earth materials or combination thereof.

32. Grading Permit Performance Standards: A handbook to be used by the applicant which details requirements for Erosion and Sediment Control Plans, Grading Standards, Geotechnical Report Guidelines and Dust Control Plan Guidelines.

33. Height of Cut and Fill Slopes: The finish vertical distance from the top to toe of slope.

34. Key: A trench (or bench) excavated in competent earth material beneath a proposed fill for placement of engineered fill.

35. Land Clearing: The removal of vegetation down to the duff or bare soil by any method.

36. Land Clearing Permit: A permit granted by the Director of Planning and Building or Planning Commission which authorizes the permittee to carry out land clearing.

37. Land Disturbance/Land Disturbing Activity: Clearing, grading or other manipulation of the terrain.

38. Minimum Standards for Geotechnical Reports: A handbook which details the information to be included in a geotechnical report.

39. Nesting: The placement of large rocks such that voids in the fill are created and that proper compaction becomes difficult or impossible.

40. Replacement: The removal and wasting of soil materials as judged unsuitable for the support of dwellings or other site improvements, and their replacement with suitable soil materials properly engineered.

41. Reworking: The removal, or processing and subsequent mechanical densification or consolidation of existing soil material for reasons of deficiency in one or more respects.

42. Significant: Any detrimental effect on the physical or natural state which cannot be adequately mitigated and as identified by Sections 21,000 et seq. of the California Public Resources Code.

43. Site: Any lot or parcel of land or continuous combination thereof, where grading is anticipated.

44. Slope: An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

45. Soil: The highly weathered top layer of the earth's surface, excluding bedrock, but including any otherwise unconsolidated earth materials.

46. Soil Engineer: A civil engineer experienced and knowledgeable in the practice of soil engineering.

47. Soil Engineering: The application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

48. Stabilization: Any procedure that will result in increased shear strength in a soil.

49. Structure: Something constructed or built, as a building, a wall, a bridge, a road, a dam, etc.

50. Terrace: A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

51. Variable Slope: The variation of a cut or fill slope in the vertical plane to blend with existing contours and vertical undulation to eliminate the artificial appearance of slopes or to take advantage of inherent characteristics of the slope material.

52. Waste Material: Non-hazardous useless or discarded material.

53. Watercourse: A blue line perennial or intermittent stream as shown on USGS topographic 7 1/2-minute

quadrangle series maps.

## 10.68.040 - Permit Requirements.

For the purpose of this Chapter 10.68 and to establish an orderly procedure for excavating, grading, filling and clearing, land disturbing activities shall be handled in two distinct phases.

1. Grading: A grading permit shall be required for activities involving grading except as exempted below in Section 9284.

2. Clearing: A land clearing permit for the removal of vegetation shall be required when:

   a. The land area to be cleared is 5,000 sq. ft. or greater, within any two-year period except in County Scenic Corridors where vegetation removal is greater than 1,000 sq. ft.

   b. Existing slopes are greater than 20 percent.

   c. The land area to be cleared is in any sensitive habitat or buffer zone as identified in the County General Plan.

## 10.68.050 - Exemptions [Amended]

The following exemptions shall not apply to land disturbances within natural drainage channels.

A. No person shall do any grading or land clearing without first having obtained a permit from the County required by this Chapter 10.68, except for the following:

   1. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This statement shall not exempt from permit requirement under this chapter, any fill made with the material on- or off-site from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure, nor when any single purpose excavation exceeds 250 cubic yards for projects located within the designated coastal zone.

   2. Cemetery graves.

   3. Approved grading in conjunction with a timber harvest permit issued by the County of San

Mateo.

4. Excavations for water wells or utilities.

5. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, provided a valid surface mining and reclamation permit issued by the County of San Mateo is in effect.

6. Exploratory excavations under the direction of soils engineer or engineering geologists. Such excavations are not to result in an erodible, hazardous, or unstable state. The County Geologist shall be informed of such explorations at least two (2) working days prior to commencement of work.

7. An excavation which is less than 2 feet in maximum vertical depth made on competent natural terrain with a slope flatter than five horizontals to one vertical and which creates slopes no steeper than two horizontal to one vertical and removes less than 150 cubic yards of material.

8. A fill less than 2 feet in depth, placed on natural terrain with a slope flatter than five horizontals to one vertical, not intended to support structures, and which does not exceed 150 cubic yards on any one parcel, and does not obstruct a drainage course or affect structural integrity of adjacent property.

9. Work conducted in any County street, public right-of-way or easement when the work is for a public facility, public utility or other public purposes, or is controlled by other permits.

10. Emergency work as authorized by the Director of Planning and Building necessary to protect life, limb or property; or to maintain the safety, use or stability of a public way or drainage way.

11. The land area to be cleared is for fire protection purposes as required by the San Mateo County Fire Code, Chapter 2, Article 3, Section 9129.

12. The land area to be cleared is for routine agricultural activities including but not limited to plowing, harrowing, disking, ridging, listing, leveling, and similar operations to prepare a field for a crop, or the land area to be cleared is for resource management such as brush clearing, erosion control or other resource management programs carried out under the purview of the Resource Conservation

District.

13. Gardening for home use.

14. Agricultural use of land that is operated in accordance with a conservation plan approved by and implemented according to the practices of the Resource Conservation District (RCD) or when it is determined by the RCD that such use will not cause excessive erosion or sediment losses, based on applicable soil loss tolerance values.

15. Grading projects for purposes of soil conservation that have been approved by the San Mateo County Resource Conservation District (RCD) when plans for such project have been filed by the RCD with the Planning Division and the Department of Public Works and with the submittal of a certificate of exemption from the Resource Conservation District.

16. Agricultural water impoundments not exceeding the minimum limitations of the State Dams and Reservoir Act of 1967 (Sections 6000 et seq. of the Water Code) when approved by the San Mateo County Resource Conservation District and with the submittal of a certificate of exemption from the RCD and provided plans are to be filed with the Planning Division and the Department of Public Works by the RCD.

17. The land area to be cleared is to be carried out under an approved Forest Improvement Program or Chaparral Management Program under the purview of the California Department of Forestry when plans for such projects have been filed with the Planning Division.

18. Repair of storm damage consisting of slide repair, debris removal and water impoundment replacement on agricultural lands carried out under the purview of the ASCS or RCD provided that such activity does not create hazards to other lands.

## 10.68.060 - Application Requirements.

A. Grading Permit: To obtain a grading permit, the applicant shall first file a written application with the Planning and Building Division on a form provided by the Director of Planning and Building.

The application shall be accompanied by the following material:

1. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application.

2. Fees as set by resolution of the Board of Supervisors.

3. A civil engineer's estimate of the quantity of materials to be moved.

4. A geotechnical report except when waived by the Director of Public Works. The applicant must comply with the Uniform Building Code and the County of San Mateo Minimum Standards for Geotechnical Reports.

5. Two sets of grading plans. When the permit is to be heard by the Planning Commission, seven sets of plans are required. The plans shall be prepared and signed by a civil engineer and shall be 24" x 36" and in a form approved by the Director of Public Works. Where a geotechnical report has been required, the geotechnical consultant shall certify on the San Mateo County Geotechnical Consultant Approval Form that applicable portions of the plans have been prepared in accordance with the recommendations contained in the geotechnical report. The plan shall contain at least the following items (additional material may be required to show conformance of the proposed grading with the requirements of this division and other related ordinances).

   a. A vicinity map or other means of adequately indicating the site location.

   b. Boundary lines of the site.

   c. If there is a proposed subdivision, each lot or parcel of land into which the site is proposed to be divided.

d. The location of any existing buildings, structures, easements, or underground utilities on the property where the work is to be performed, and the location of any buildings or structures on adjacent land within 50 feet of the proposed work.

e. Accurate contours showing the topography of the existing ground extending at least 10 feet outside all boundary lines of the project site, based on elevations taken on adjacent property or other means approved by the Director of Public Works. The contour lines shall be at intervals sufficient to show the configuration of the ground before grading relative to a benchmark established at or adjacent to the grading site.

f. All of the proposed uses for which the proposed grading is necessary.

g. Elevations, locations, extent and slope of all proposed grading shown by contours, or other acceptable means, and location of any rock disposal areas, buttress fills, subdrains, or other special features to be included in the work. Contours of the finished surface of all proposed grading shall also be included.

h. A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from, the site. Approved disposal sites must be used.

i. Location and nature of known or suspected soil or geologic hazard areas.

j. Approximate boundaries of any areas with a history of flooding.

k. Location, width, direction of flow and approximate location of top and toes of banks of any watercourses.

l. General location and character of vegetation covering the site and the locations of trees with a trunk diameter of 12 inches or more, measured at a point 4 ½ feet above average ground level, within 12 feet of the area to be disturbed by the proposed grading.

m. A detailed plan for erosion and sediment control, both during construction and

permanent, unless the site has no slopes greater than 2 percent or unless waived or modified by the Director of Public Works (see Erosion and Sediment Control Plan, Grading Permit Performance Standards Handbook).

n. A plan for dust control (see Dust Control Plans, Grading Permit Performance Standards).

o. Name and signature of the registered civil engineer (when required) under whose direction the grading plan is prepared.

p. Specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data.

q. Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, gabion walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps.

r. Such other information as the Director of Public Works or Director of Planning and Building may require.

B. Agricultural Water Impoundments Permit Requirements: Plans and profiles not under the purview of the RCD and therefore not exempt under Section 10.68.060(R) above shall be prepared by a licensed engineer as required by the Director of Public Works and be subject to permits and approvals from the Planning Division. All construction must be in accordance with approved plans and specifications and, when required, is to be done in the presence of and certified by a licensed soils engineer or engineering geologist as appropriate.

C. Land Clearing Permit Application Requirements: To obtain a land clearing permit, the applicant shall first file a written application with the Planning and Building Division on a form provided by the Director of Planning and Building.

The application for a land clearing permit shall be accompanied by the following materials:

1. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application.

2. Fees as set by resolution of the Board of Supervisors.

3. An Erosion Control Plan (as specified in the Performance Standards Handbook).

4. Plan for the removal of vegetation. The plan shall include at a minimum:

    a. A vicinity map or other means of adequately indicating the site location.

    b. Boundary lines of the site.

    c. Location of area to be cleared.

    d. Location of existing structures on the site.

    e. A plan for disposal of the removed vegetation.

    f. Purpose of removal.

## 10.68.070 - Review, Referral And Report.

1. Prior to acceptance, the application shall be reviewed by the Planning Division and the Department of Public Works for compliance with Sections 9285 (A) or 9285 (B) above. Additional information may subsequently be required to demonstrate compliance with this chapter.

2. The Planning Division shall refer the application to the Department of Public Works and other interested departments and agencies for comment and recommendation. In reviewing the application and plans and making their recommendations, the Director of Public Works shall report whether the grading as proposed complies with the standards as detailed below in Section 10.68.170 and shall recommend conditions to assure such compliance.

3. It shall be the duty of the Director of Planning and Building to forward the application together with recommendations thereon to the appropriate body specified below in Section 10.68.080 for its action.

## 10.68.080 - Decision Making Authority.

The following person or body shall grant the indicated permits as required by this chapter:

1. The Planning Commission: All grading and land clearing permits in State or County Scenic Road Corridors.

2. Director of Planning and Building: Land clearing permits outside State or County Scenic Road Corridors; grading permits for agricultural water impoundments which do not qualify for exemption under Section 10.68.050 above and which are located outside State and County Scenic Road Corridors; and grading permits involving cut or fill not to exceed 1,000 cubic bank yards.

3. Zoning Hearing Officer: All other grading permits.

## 10.68.090 - Public Hearing And Comment.

1. The Zoning Hearing Officer, Planning Commission or Board of Supervisors shall hold a public hearing before taking action on any grading or land clearing permit which is before them.

2. A public hearing on a grading or land clearing permit may be held concurrently with any other public hearing on the project held by the appropriate person or body specified above in Section 10.68.080.

3. In addition to testifying at a public hearing, any person may submit written comment on an application for a grading or land clearing permit, or on a permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in any notice required by Section 10.68.100 below. Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate person, commission or board.

## 10.68.100 - Notice Requirements.

Where a public hearing is required, notice shall be given as required for use permits in Section 8.280.030 of the San Mateo County Ordinance Code, Zoning Annex, if in the opinion of the Director of Planning and Building the grading activity may affect properties beyond 300 feet from the property line, additional notice may be required as deemed appropriate. In addition, ten (10) days prior to action by the Director of Planning and Building, notice of grading permits required for agricultural water impoundments shall be given in the same manner; such notice shall specify

the date on which a decision will be made.

## 10.68.110 - Findings, Conditions And Action.

1. The decision-making authority will review the report submitted by the Planning Division regarding the permit and make the following findings in any action to approve the permit:

    a. That the granting of the permit will not have a significant adverse effect on the environment.

    b. That the project conforms to the criteria of this chapter, including the standards referenced in Section 10.68.170 below..

    c. That the project is consistent with the General Plan.

2. Approval of a permit required by this chapter shall be conditioned as necessary to ensure conformance with this Chapter 10.68. For agricultural water impoundments, the permit may be conditioned as appropriate to include such requirements as having adequate evidence of water rights provided by the State Division of Water Rights in advance of construction. The approving authority may require modification and resubmittal of project plans, drawings and specifications. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Director of Planning and Building to prepare their recommendation on the modified project.

3. After reviewing the evidence regarding the application for permit, the decision making authority shall either grant or deny the permit based on the conditions and findings described above in Sections 10.68.110(1) and (2).

## 10.68.120 - Appeals.

The action of the decision maker in authorizing or denying a permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or non-issuance of the permit or any conditions thereof.

Permits considered and acted upon by the Director of Planning and Building or Zoning Hearing Officer may be appealed to the Planning Commission, by filing a written notice of appeal with the Planning Division within ten (10) working days from issuance or denial of said permit. The Planning Commission shall hear such appeal and render a

decision following such hearing. The decision of the Planning Commission is appealable to the Board of Supervisors in the manner described above. The decision of the Board of Supervisors shall be final. The action taken by the decision maker shall be reported to the affected parties.

## 10.68.130 - Duration Of Permit.

If a substantial amount of work authorized by any permit is not commenced within eight (8) months of the date of issuance or as otherwise indicated on the face of the permit, or on the improvement agreement, or if said work is not completed within one (1) year of commencement or as otherwise indicated on the permit or the improvement agreement, the permit shall expire and become void.

## 10.68.140 - Renewal.

The renewal of an expired permit may be administratively approved by the Director of Planning and Building providing no changes to the plans have been made. An application for such renewal must be made in writing no later than one month prior to the expiration date, in the same manner as specified for in the original application. The fees for such renewal will be one half (½) the original fee. Two renewals may be granted. Extensions beyond two renewals require a complete new application and must be submitted with full fees.

## 10.68.150 - Permit Amendment.

Upon application by the permittee, the permit required by this chapter may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of the permit. All sections of this Chapter 10.68 shall apply to the permit amendment.

## 10.68.160 - Securities.

The County may require the applicant, as a condition of issuing a permit required by this Chapter 10.68, to post a security in an amount as determined by the County. The security shall be of sufficient amount to ensure compliance with the conditions of the permit, this Chapter 10.68, and to repair any damage that may result from the land disturbing activity. Release of the security shall occur one year after installation of the measures and be conditioned on the faithful performance of the conditions of the permit.

Securities will be released only upon satisfactory completion of the work and completion of a one-year warranty period required by the County. When landscaping or erosion control measures are required, a separate security shall be posted for a period of two-growing seasons. The security shall be based upon the cost of placement or replacement of the landscaping or the work performed, whichever is greater.

## 10.68.170 - Standards.

The following standards delineate levels of design and control to be met during the project. Their purpose is to assure that development is accomplished so as to minimize adverse effects on the existing terrain and to minimize the potential for erosion.

1. Erosion and Sediment Control. An erosion and sediment control plan and subsequent implementation shall be required except where an environmental assessment by the County Planning Division of the site shows that such plan is not necessary. Plans shall conform to standards as detailed in the Grading Permit Performance Standards Handbook.

2. Grading. Performance standards, as detailed in the Grading Permit Performance Standards Handbook, are to apply to all aspects of the proposed grading and are intended to be operational during all stages of development.

3. Geotechnical Reports. When it is determined by the Department of Public Works that conditions on the project site warrant a geotechnical report (see section 10.68.060(A) – Application Requirements, Grading Permit, above), the report shall be prepared by a professional geotechnical consultant under the direction of a soils engineer and an engineering geologist in accordance with the current Minimum Standards for Geotechnical Reports and the Grading Permit Performance Standards Handbook.

4. Dust Control Plans. All projects must submit dust control plans as detailed in the Grading Permit Performance Standards Handbook.

5. Fire Safety. All equipment used in grading operations shall meet spark arrester and firefighting tool requirements as specified in the California Public Resources Code.

6. Time Restrictions. The period from October 1 to April 30 has been determined to be the period in which heavy rainfall normally occurs in the County. During said period, no land disturbing activity shall be authorized on any single site under a permit if the Director of Planning and Building determines that such work will endanger the public health or safety or cause excessive erosion.

## 10.68.180 - Responsibilities During Project Implementation.

All land disturbing activities for which a permit is required shall be subject to inspection by the County. In addition to the inspections specified below in Sections 10.68.180 (1) and (2), the County may make such other inspections as it deems necessary to determine that the work is being performed in compliance with the requirements of this chapter.

1. Civil Engineer.

   a. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the geotechnical reports into the grading plan. The civil engineer shall also be responsible for the inspection and certification of the grading within the engineer's area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the County. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans (see Section 10.68.180(5) , below) upon completion of the work.

   b. Prior to foundation work, the permittee's engineer shall certify that the building pad elevations do not vary more than two-tenths (0.2) of a foot from the approved pad elevations.

   c. When work has been completed, the civil engineer shall certify that all grading, lot drainage and drainage facilities have been completed and the slope planting installed in conformance with the approved plans and the requirements of this Chapter 10.68.

2. Soils Engineer and Engineering Geologist.

a. During grading, all necessary reports, compaction data, and geotechnical recommendations shall be submitted to the permittee's civil engineer and the Department of Public Works by the soils engineer and the engineering geologist.

b. The soils engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and design of buttress and replacement fills, and the design and need for subdrains and other groundwater control devices, where required, incorporating data supplied by the engineering geologist.

c. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters. Applicable findings shall be reported to the soils engineer and the civil engineer for engineering analysis.

d. During grading, periodic density tests shall be made by the geotechnical consultant and submitted to the Department of Public Works. Dry density, moisture content, and the location, elevation and sampling date of each sample taken shall be reported, along with sufficient data to correlate with laboratory analyses submitted. In addition, the location and type of all surface and subsurface water control measures shall be submitted.

e. Upon completion of the grading, the geotechnical consultant shall certify that the site was graded and filled with material in accordance with approved specifications and approved geotechnical recommendations. The certification should be completed on the Geotechnical Consultant Approval Form provided by the Department of Public Works.

3. Change of Consultant.

If the civil engineer, the geotechnical consultant or the testing agency of record is changed during the

course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of its technical competence for certification upon completion of the work.

4. Noncompliance.

If, in the course of fulfilling its responsibility under this chapter, the civil engineer, the geotechnical consultant or the testing agency finds that the work is not being done in conformance with this Chapter 10.68, or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Department of Public Works and the Director of Planning and Building. Recommendations for corrective measures, if necessary, shall be submitted. Project work shall be stopped until corrective measures are approved by the County.

5. Supplemental Reports.

Upon completion of the rough grading work, and at the final completion of the work, the County may require the following reports and drawings and supplements thereto:

a. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities, cut fill lines and all other pertinent information including, but not limited to, buttress and replacement fills, restricted from building areas, etc.

b. An as-built grading report prepared by the geotechnical consultant including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The report shall include a final description and if necessary, a map of the geology of the site including any new information disclosed during the grading and its effect upon site grading. A certification shall be provided approving the adequacy of the site for the intended use as affected by soil and geologic factors.

6. Emergency Preventative Maintenance.

In any event that a condition should arise during the grading operations which may become a hazard, whether or not such condition was caused through negligence or act of God, immediate remedial action to mitigate hazard shall be taken under the direction of the civil and/or geotechnical consultant. Within three working days, a written report describing the remedial work shall be sent to the County for review.

## 10.68.190 - Enforcement.

1. Enforcement by the Director of Planning and Building.

The Director of Planning and Building shall enforce the provisions of this Chapter 10.68 and the terms and conditions of any grading or land clearing permit. If the Director of Planning and Building determines that grading or clearing has been done without a required permit, or that grading or land clearing has been done in violation of any of the terms and conditions of an issued permit, or that any person has otherwise failed to comply with the requirements of this Chapter 10.68, the Director of Planning and Building shall do the following:

a. Direct that a Stop Work Order be issued on all construction being carried out on the property affected by the violation, if one has not yet been issued under Section 10.68.200(1) below.

b. In the event that any violation presents an immediate threat to the public health or safety, require that the property owner or permit applicant, as may be appropriate, take such steps as are necessary to protect the public health or safety, in accordance with the procedure set forth in Section 10.68.130(3) below.

c. Require that the property owner or permit applicant, as appropriate, prepare and implement a grading plan which meets the requirements of this chapter, and which accomplishes one of the following:

i. Restores the property to the condition which existed prior to the violation.

ii. Requires such remedial work as is necessary to make the grading or land clearing work

already completed conform with all requirements of this chapter;

iii. Requires such remedial work as is necessary to mitigate impacts of the grading work so that such work conforms as nearly as possible to all requirements of this chapter. The Director of Planning and Building's determination shall be guided by the factors set forth in Section 9298.4 below.

A Stop Work Order issued pursuant to this section shall apply to any and all construction or other development being carried out on the property affected by a violation under this section, including, but not limited to, any residential structure to be served by an illegally graded access road or driveway. The Stop Work Order will not be lifted as to any such construction or other development until such time as the grading or land clearing violation has been corrected as provided for in this section.

2. Nuisance.

The provisions of this Chapter 10.68 shall not be construed to authorize any person to maintain a private or public nuisance upon their property, and compliance with the terms of this Chapter shall not be a defense in any action to abate such nuisance.

3. Procedure for Emergency Work.

In the event that the Director of Planning and Building determines that grading or land clearing work has been done without a permit, or in violation of the terms or conditions of a permit, or in violation of any provision of this Chapter 10.68, such that there is presented an immediate and substantial threat of physical injury or death, or irreversible environmental damage, the Director of Planning and Building shall immediately direct that a Stop Work Order be issued, and shall give written notice to the permittee or landowner, as appropriate, stating:

a. The nature of the violation.

b. The facts upon which a determination has been made that the violation constitutes an immediate

and substantial threat of physical injury or death, or irreversible environmental damage.

c. The work to be completed and/or repairs to be made to correct the violation.

d. The time within which the work is to be completed.

If after ten (10) days from the receipt of the Notice the applicant fails to respond or to meet the requirements of the Notice within the time limit set by the Director of Planning and Building, the Director of Planning and Building shall cause such work to be done and deduct the cost therefrom from any cash deposit or other security, if any has been previously posted, or otherwise direct such action as is necessary to recover the costs of such work. Any work performed under this section shall not relieve the owner or permit applicant, as appropriate, from the requirement to comply with the requirements of Section 10.68.190 (1), above. The remedy provided herein is not exclusive and shall not preclude the County from employing any other means of enforcement otherwise provided by law.

4. Restoration or Remedial Work.

In determining what remedial action shall be required as provided by Section 10.68.190 .(1)(c), above, the Director of Planning and Building shall consider restoration to original condition as the most appropriate remedy, conformance with all requirements of this Chapter 10.68 as the next most appropriate remedy, and mitigation to conform as nearly as possible to the requirements of this chapter as the least appropriate remedy. In making the necessary determination, the Director of Planning and Building shall consider:

a. The amount of grading which has been done in violation of this Chapter 10.68.

b. The amount of grading which would be necessary to either restore the property to its original condition or to bring the grading into conformance with the requirements of this Chapter 10.68.

c. The environmental damage which would occur as a result of either restoring the property to its original condition or bringing the grading into conformance with the requirements of this Chapter 10.68.

d. The economic feasibility of either restoring the property to its original condition or bringing the

grading into conformance with the requirements of this Chapter 10.68.

e. The degree of culpability of the person committing the violation.

f. Any other factor relevant to a proper determination of the matter. Before any work may commence, the property owner or permit applicant, as appropriate, shall provide a bond or other equivalent security, in the amount estimated for completion of the work. In the event the property owner or permit applicant fails to do the required work, the Director of Planning and Building shall direct that the proceeds of the security be used to complete the required work.

## 10.68.200 - Violations.

1. Stop Work Order.

If the Chief Building Official finds any grading work for which a permit is required but not issued, or the grading is in substantial noncompliance with an issued permit, or the plans and specifications relating thereto, they may order the work stopped by posting the site or by written notice and may issue an abatement order. No further grading may be done except on approval of the Director of Planning and Building. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time as specified in Section 10.68.190(1) above.

2. Record Notice of Violation.

Record a Notice of Grading Violation in the Office of the County Recorder and notify the owner of the affected real property and any other known party responsible for the violation. If the property owner or other responsible party disagrees that the grading violates this chapter, proof may be submitted to the Director of Planning and Building, including documentation and engineering reports that a grading permit is not required.

If the Director of Planning and Building determines that a grading permit is required, the property owner and/or party responsible for the grading work shall apply for the necessary grading permit within a specified

time period by the Director of Planning and Building. Failure to apply for the grading permit or failure to comply with all permit conditions constitutes a grading violation. The Director of Planning and Building may refer any grading violation to the County Counsel or to the District Attorney for prosecution.

3. Notice of Expungement.

A notice of expungement of the notice of violation shall be recorded with the County Recorder when:

a. The Director of Planning and Building or other appellate authority determines that a grading permit is not required; or

b. All work has been completed and approved by the Director of Planning and Building and appropriate expungement fees paid by the permit holder.

4. Additional Prosecutions.

When applicable, violations may be prosecuted as an Unfair Business Practice under the Business and Professions Code.