

ORDINANCE NO. 752 N.S.

AN ORDINANCE AMENDING SECTIONS 8.020.02B AND 8.02.030B OF THE PIEDMONT CITY CODE TO ADOPT LOCAL AMENDMENTS TO THE 2019 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, INCLUDING THE CALIFORNIA RESIDENTIAL CODE AND THE CALIFORNIA BUILDING CODE

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. BACKGROUND

It is the intent of the City Council of the City of Piedmont in adopting this Ordinance to enact local amendments to the 2019 California Building Standards Code, specifically the 2019 California Residential Code and the 2019 Building Code of Regulations.

SECTION 2. FINDINGS

Pursuant to Section 17958.7 of the California Health and Safety Code, the City Council may adopt local amendments which are more restrictive than those adopted by the Building Standards Commission in Title 24 of the California Code of Regulations which are reasonably necessary to protect the health, welfare and safety to the residents of Piedmont because of local climatic, geological and topographical conditions.

The City Council hereby makes the following findings with respect to local geological, topographical, and climatic conditions relating to the amendments to the California Building Standards Code with respect to the proposed modifications of Section 105.2 of the California Building Code and Section R105.2 of the California Residential Code:

- A. The average annual precipitation rate in Piedmont is 23 inches per year. Ninety-seven percent of precipitation occurs in the months of October through April, creating a dry season of five months per year. Additionally, periodic drought conditions extend the dry season and exacerbate fire hazard. Average relative humidity ranges from 60% to 80%, but can drop below 20%. Normal wind pattern originates from the marine area to the west producing light, westerly winds of 9 mph. Occasionally, reverse wind flows from the inland valleys produce higher than normal easterly winds and carry with them warm air mass which result in severe fire hazard conditions. Average high temperatures in the dry season range from 66 degrees F to 72 degrees F; however, seasonal spikes can push temperatures in the upper 90's degrees F. The confluence of low precipitation, high temperatures, low relative humidity and high winds can create conditions of high fire hazard, as defined by the National Weather Service as a Red Flag Warning. The region experiences approximately 10 to 20 Red Flag Days per year, usually in the fall. However regionally, the combination of extreme wind and low humidity (without high heat) can be enough to create a severe fire hazard. In recent years several large fires grew at record breaking rates without the presence of extreme heat, but with presence of high winds and low humidity. The

weather at the ignition of the Camp Fire was 42F degrees. The rate of spread for The Camp, Valley, and Thomas Fires exceeded 40,000 acres within 12 hours.

- B. Piedmont is a hillside community and most of the structures are single family dwellings built on sloping terrain. In most areas, the dwelling units are located in close proximity to one another and in many cases are less than 8 feet apart. Fires can easily spread from house to house and are more readily spread upslope in the direction of prevailing winds. As referenced by CalFire's Fire and Resource Assessment Program (FRAP), Wildland Urban Interface Map, all of Piedmont is within or immediately adjacent to an Interface or Influence Zone. All areas of Piedmont are located in a Wildland-Urban Interface zone.
- C. Piedmont is located in a seismically active region and is within 2 km of the Hayward Fault. A major earthquake could restrict response time and overwhelm the capacity of firefighting personnel to control earthquake related fires.
- D. The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits but did not damage any structures. Piedmont has the same climatic, geological and topographical conditions as those areas affected by the nearby 1991 fire. Therefore, it is reasonably necessary to amend provisions of the 2019 California Residential Code and 2019 California Building Code to address such risks.
- E. As noted in Findings A through D above, Piedmont is in a location that can be severely affected by wildfires. To lessen the fuel load, the City has an interest in regulating the height and location of fences, tool and storage sheds, playhouses and similar structures. Taller fences, tool and storage sheds, playhouses and similar structures create more fuel in the event of a wildfire, and are closer to the tree canopy and thereby act as part of a fuel ladder. Restricting the location of these structures and fuel load so that they are not located between the residence and street is necessary so that public safety access is not impeded during wildfire and other environmental hazard events.
- F. Additionally, regulation of fences, retaining walls over 30 inches, water tanks, prefabricated above-ground swimming pools, decks, platforms and driveways 12 inches or more above grade is warranted due to the typical seismic and topographical conditions applicable to parcels within the City of Piedmont. Such features are subject to failure during seismic events on Piedmont's steep topography. Due to the hilly nature of Piedmont's topography, the construction of structure and landscape retaining walls are common. Stricter controls are necessary to ensure the stability of the constructed retaining walls and the retained earth they support.

SECTION 3. AMENDMENT TO SECTION 8.02.020

Section 8.02.020 of the Piedmont City Code is hereby amended to replace subsection B in its entirety as follows:

B. the 2019 California Residential Code Section R105.2 – Work Exempt from Permit. The text of Section R105.2 is amended to replace the **Building** subset of exemptions in its entirety with the following:

“Building:

1. One-story detached accessory structures used as a tool or storage shed, playhouse or similar use, provided the floor area does not exceed 120 square feet, it is not located within the street yard setback, and is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. No more than one accessory structure on a parcel is eligible for this exemption.
2. A fence 6 feet high or less which is not located in the street yard setback and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.
3. A retaining wall which is not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge.
4. A movable case, counter or partition not over 5 feet 9 inches high.
5. A platform, walk or driveway not more than 12 inches above grade and not over a basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.”

SECTION 4. AMENDMENT SECTION 8.02.030

Section 8.02.030 of the Piedmont City Code is hereby amended to replace subsection B in its entirety as follows:

B. Section 105.2 – Work Exempt from Permits. The text of Section 105.2 is amended to replace the **Building** subset of exemptions in its entirety with the following:

“Building:

1. One-story detached accessory structures used as a tool or storage shed, playhouse or similar use, provided the floor area does not exceed 120 square feet, it is not located within the street yard setback, and is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. No more than one accessory structure on a parcel is eligible for this exemption.
2. A fence 6 feet high or less which is not located in the street yard setback and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.

3. Oil derricks.
4. Retaining walls which are not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. A platform, walk or driveway not more than 12 inches above grade and not over any basement or story below and not part of an accessible route.
6. Painting, papering, interior floor covering and similar finish work.
7. Temporary motion picture, television and theater stage set or scenery.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Widow 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 do not require additional support.
11. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.”

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 6. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk shall cause a copy of this Ordinance to be filed with the California Building Standards Commission in the manner required by law.



I certify that the foregoing ordinance was passed and adopted as a part of the consent calendar by Resolution 59-2020 at the regular meeting of the City Council of the City of Piedmont on August 3, 2020, by the following vote:

Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None

Attest: _____
John O. Tulloch, City Clerk

[End of Ordinance]