

CITY COUNCIL AGENDA STAFF REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Jon Kennedy, Interim City Manager
MEETING: December 14, 2022
SUBJECT: Revisions to Portola Municipal Code to Comply with SB 1383 Requirements

BACKGROUND

In 2016, the California legislature approved and Governor Brown signed Senate Bill 1383 – Short-lived Climate Pollutants. The legislation seeks to reduce emissions of methane from dairy and livestock operations and solid waste landfills as a means of combating climate change. Primarily, SB 1383 tasked the California Department of Resources Recycling and Recovery (CalRecycle) to write and enforce regulations to reduce the amount of organic waste disposed of in landfills by 50% by 2020 and 75% by 2025 (from a 2014 disposal baseline). It also set a goal to retrieve at least 20% of currently disposed edible food by 2025 and redirect that food to people in need.

Additionally, a portion of the SB 1383 legislation mandates the city to amend the Portola Municipal Code to incorporate specific requirements to comply with Water Efficient Landscape and CalGreen regulations under the state of California Title 23 (Waters) and Title 24 (Building Standards) codes for new construction.

City Engineer Dan Bastian prepared amendments to Title 13 (Utilities) and Title 15 (Buildings and Construction) of the PMC to comply with the state regulations, which are attached. Following are descriptions of the PMC revisions:

PMC TITLE 13.40 WATER-EFFICIENT LANDSCAPE REVISIONS

- Add Section 13.40.006 “Standard Code Adopted.” This new section incorporates specific state Title 23 regulations by reference into Portola Municipal Code Title 13.40.
- Change Section 13.40.050 – Landscape Design Plan – to add “hydrozone” (clustering of plants) and add requirements for mulch and compost and purchase of organic mulch from recycled or post-consumer materials.

PMC TITLE 15.04.020 CALIFORNIA BUILDING STANDARDS REVISIONS

- Delete “2016” and replace with “latest adopted” in several instances referencing various California codes.
- Change Note 11 to properly reference and update “latest adopted California Green Building Standards Code.”

- Add “voluntary tier measures” to the explanation for exemption under Note 11.

NEW PMC TITLE 15.11 – ORDINANCE REQUIRING AREAS FOR COLLECTION AND LOADING OF RECYCLABLE MATERIALS IN DEVELOPMENT PROJECTS

- Add new Section 15.11 to the Portola Municipal Code which establishes requirements for new developments to provide adequate space for recycling activities, including deposit of recyclables into containers and collection by authorized entities.

STAFF RECOMMENDATION

Staff recommends that the City Council introduce and approve revisions to Titles 13 and 15 of the Portola Municipal Code and waive the second reading of the code revisions.

ORDINANCE NO. 362

AN ORDINANCE OF THE CITY OF PORTOLA, COUNTY OF PLUMAS
AMENDING CHAPTER 13.40 AND CHAPTER 15.04 AND CREATING CHAPTER 15.11
OF THE CITY OF PORTOLA MUNICIPAL CODE
FOR COMPLIANCE WITH SENATE BILL 1383 – SHORT-LIVED CLIMATE POLLUTANTS

The Council of the City of Portola, California, ordains as follows:

I. CHAPTER 13.40 – WATER EFFICIENT LANDSCAPE IS HEREBY AMENDED TO READ AS FOLLOWS:

13.40.006 Standard Code Adopted (New Section).

The California Code of Regulations, Title 23 – Waters, Division 2 - Department of Water Resources, Chapter 2.7 - Sections 492.6(a)(3)(B) (C), (D), and (G), 493, 493.1, 493.2, 494.4, 492.11, and 492.12 of the Model Water Efficient Landscape Ordinance are hereby adopted by the City of Portola and incorporated by reference into the City of Portola Municipal Code, as amended by this chapter.

13.40.050 Landscape design plan (Revised Section).

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package:

1. Plant material;
 - a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. To encourage the efficient use of water, the following is highly recommended:
 - i. Protection and preservation of native species and natural vegetation;
 - ii. Selection of water-conserving plant and turf species;
 - iii. Selection of plants based on disease and pest resistance;
 - iv. Selection of trees based on applicable City of Portola tree ordinances or tree shading guidelines; and
 - v. Selection of plants from local and regional landscape program plant lists.
 - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

i. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

ii. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and

iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

d. Turf is not allowed on slopes greater than twenty-five percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).

e. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

f. The use of invasive and/or noxious plant species is strongly discouraged.

g. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low water use plants as a group.

2. Water features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers are highly recommended.

3. ~~Mulch and amendments~~ **Soil Preparation, Mulch and Amendments.**

~~a. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.~~

a. A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to

5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

b. For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

c. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

~~b.d.~~ Stabilizing mulching products shall be used on slopes.

~~e.e.~~ The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

d. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

B. The landscape design plan, at a minimum, shall:

1. Delineate and label each hydrozone by number, letter, or other method;

2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

3. Identify recreational areas;

4. Identify areas permanently and solely dedicated to edible plants;

5. Identify areas irrigated with recycled water;

6. Identify type of mulch and application depth;

7. Identify soil amendments, type, and quantity;

8. Identify type and surface area of water features;

9. Identify hardscapes (pervious and non-pervious);

10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;

b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

12. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.).

II. CHAPTER 15.04 – PORTOLA UNIFORM BUILDING CODES, SECTION 15.04.020 – CALIFORNIA BUILDING CODES ADOPTED IS HEREBY AMENDED TO READ AS FOLLOWS:

A. The ~~2016~~ **latest adopted** California Building Standards Code is hereby adopted by the City of Portola and incorporated by reference into the City of Portola Municipal Code, as amended by this chapter. The 2016 California Building Standards Code includes, but is not limited to, the following:

1. ~~2016~~ **The latest adopted** California Administrative Code of the California Code of Regulations Title 24 Part 1.

2. ~~2016~~ **The latest adopted** California Building Code - Volumes 1 and 2 of the California Code of Regulations Title 24 Part 2.

3. ~~2016~~ **The latest adopted** California Residential Code of the California Code of Regulations Title 24 Part 2.5, including:

a. Appendix G, Swimming Pools, Spas, and Hot Tubs.

b. Appendix H, Patio Covers.

4. ~~2016~~ **The latest adopted** California Electrical Code of the California Code of Regulations Title 24 Part 3.

5. ~~2016~~ **The latest adopted** California Mechanical Code of the California Code of Regulations Title 24 Part 4.

6. ~~2016~~ **The latest adopted** California Plumbing Code of the California Code of Regulations Title 24 Part 5.

7. ~~2016~~ **The latest adopted** California Energy Code of the California Code of Regulations Title 24 Part 6.

8. ~~The latest adopted 2016~~ California Historical Building Code of the California Code of Regulations Title 24 Part 8.
 9. ~~The latest adopted 2016~~ California Fire Code of the California Code of Regulations Title 24 Part 9.
 10. ~~The latest adopted 2016~~ California Existing Building Code of the California Code of Regulations Title 24 Part 10.
 11. ~~2016 California Green Building Standards Code (CAL Green Code) of the California Code of Regulations Title 24 Part 11.~~ **Latest adopted California Green Building Standards Code, as published by ICC, triennial compilation and publication of the California Building Standards Commission, California Code of Regulations, Title 24, Part 11, this title is intended to be known as the CAL Green Code as amended July 1, 2019, and effective January 1, 2020. The adoption of Part 11 identifies the required green building measures necessary to meet the minimum requirements and shall not include voluntary tier measures.**
 12. ~~The latest adopted 2016~~ California Referenced Standards Code of the California Code of Regulations Title 24 Part 12.
- B. There is at least one copy of said code on file in the office of the building official for use and examination by the public.
- C. Fees. The fees for permits issued under this chapter are those established by resolution of the city council.

III. CHAPTER 15.11 – ORDINANCE REQUIRING AREAS FOR COLLECTION AND LOADING OF RECYCLABLE MATERIALS IN DEVELOPMENT PROJECTS IS HEREBY CREATED TO READ AS FOLLOWS:

15.11.010 GENERAL PROVISIONS

15.11.011 Purpose

The City of Portola must divert 50 percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities.

Diverting 50 percent of all solid waste requires the participation of the residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This ordinance has been developed to meet that need.

15.11.012 Definitions

Ordinance NO. 362

December 14, 2022

The following definitions shall apply to the language contained in this ordinance:

“Development Project” means any of the following:

1. A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.
2. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
3. The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tract there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

“Improvement” means an improvement which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

“Public Facility” includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency.

“Recycling Area” means space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

15.11.020 GENERAL REQUIREMENTS

A. Any new development project for which an application for a building permit is submitted on or after September 1, 1994, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

B. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

C. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

D. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for multiple alterations which are conducted within a 12-month period which collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

E. Any existing development project for which multiple applications for building permits are submitted within a 12-month period beginning on or after September 1, 1994, for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

F. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994, an application for a building permit for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

G. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994 an application for a building permit for multiple alterations which are conducted within a 12-month period which collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

H. Any existing development project occupied by multiple tenants, one of which submits within a 12-month period beginning on or after September 1, 1994, multiple applications for building permits for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

I. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

15.11.030 GUIDELINES FOR ALL DEVELOPMENT PROJECTS

A. Where local standards exist, recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.

B. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

C. The design, construction, and location of recycling areas shall not be in conflict with any applicable federal, State, or local laws relating to fire, building, access, transportation, circulation, or safety.

D. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

E. Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

F. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

G. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.

15.11.031 Additional Guidelines for Single-Tenant Development Projects

A. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.

B. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.

15.11.032 Additional Guidelines for Multiple-Tenant Development Projects

A. Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.

B. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section

III of this ordinance.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to Section III of this ordinance should be located within the recycling area.

15.11.033 Location

A. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.

B. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

15.11.040 DECLARATION OF SEVERABILITY

All provisions of this Ordinance are severable and, if for any reason any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of the Ordinance.

Chapter 13.40 - WATER-EFFICIENT LANDSCAPE

- .
- .
- .

[NO CHANGE TO 13.40.005]

13.40.005 Purpose.

A. The state legislature has found:

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
5. That landscape design, installation, maintenance and management can and should be water efficient; and
6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. Consistent with these legislative findings, the purpose of this ordinance is to:

1. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
3. Establish provisions for water management practices and water waste prevention for existing landscapes;
4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

-
6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
 7. Encourage cooperation between the City of Portola and other local agencies to implement and enforce the provisions of the City of Portola Water Efficient Landscape Ordinance.

(Ord. No. 334, 1-13-2010)

Note(s)—Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

[ADD SECTION]

13.40.006 Standard Code Adopted.

The California Code of Regulations, Title 23 – Waters, Division 2 - Department of Water Resources, Chapter 2.7 - Sections 492.6(a)(3)(B) (C), (D), and (G), 493, 493.1, 493.2, 494.4, 492.11, and 492.12 of the Model Water Efficient Landscape Ordinance are hereby adopted by the City of Portola and incorporated by reference into the City of Portola Municipal Code, as amended by this chapter.

13.40.007 Applicability.

- A. After January 1, 2010, this ordinance shall apply to all of the following landscape projects:
 1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than two thousand five hundred square feet requiring a building or landscape permit, plan check or design review;
 2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than two thousand five hundred square feet requiring a building or landscape permit, plan check, or design review;
 3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than five thousand square feet requiring a building or landscape permit, plan check or design review;
 4. Existing landscapes limited to Sections 493, 493.1 and 493.2; and

5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

B. This ordinance does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system;
or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

(Ord. No. 334, 1-13-2010)

Note(s)—Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

[CHANGE AS NOTED]

13.40.050 Landscape design plan.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package:

1. Plant material;
 - a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. To encourage the efficient use of water, the following is highly recommended:
 - i. Protection and preservation of native species and natural vegetation;
 - ii. Selection of water-conserving plant and turf species;
 - iii. Selection of plants based on disease and pest resistance;
 - iv. Selection of trees based on applicable City of Portola tree ordinances or tree shading guidelines; and
 - v. Selection of plants from local and regional landscape program plant lists.
 - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

i. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

ii. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and

iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

d. Turf is not allowed on slopes greater than twenty-five percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).

e. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

f. The use of invasive and/or noxious plant species is strongly discouraged.

g. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low water use plants as a group.

2. Water features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers are highly recommended.

~~3. Mulch and amendments.~~

3. Soil Preparation, Mulch and Amendments

~~a. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.~~

a. A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

b. For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

c. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

~~b.d.~~ Stabilizing mulching products shall be used on slopes.

~~e.e.~~ The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

d. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

B. The landscape design plan, at a minimum, shall:

1. Delineate and label each hydrozone by number, letter, or other method;
2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
3. Identify recreational areas;
4. Identify areas permanently and solely dedicated to edible plants;
5. Identify areas irrigated with recycled water;
6. Identify type of mulch and application depth;
7. Identify soil amendments, type, and quantity;
8. Identify type and surface area of water features;
9. Identify hardscapes (pervious and non-pervious);

10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;

b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

12. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

(Ord. No. 334, 1-13-2010)

Note(s)—Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

15.04.020 California Building Standards Code adopted.

[CHANGE AS NOTED]

A. The **latest adopted** 2016 California Building Standards Code is hereby adopted by the City of Portola and incorporated by reference into the City of Portola Municipal Code, as amended by this chapter. The 2016 California Building Standards Code includes, but is not limited to, the following:

1. **The latest adopted** 2016 California Administrative Code of the California Code of Regulations Title 24 Part 1.
2. **The latest adopted** 2016 California Building Code - Volumes 1 and 2 of the California Code of Regulations Title 24 Part 2.
3. **The latest adopted** 2016 California Residential Code of the California Code of Regulations Title 24 Part 2.5, including:
 - a. Appendix G, Swimming Pools, Spas, and Hot Tubs.
 - b. Appendix H, Patio Covers.
4. **The latest adopted** 2016 California Electrical Code of the California Code of Regulations Title 24 Part 3.
5. **The latest adopted** 2016 California Mechanical Code of the California Code of Regulations Title 24 Part 4.
6. **The latest adopted** 2016 California Plumbing Code of the California Code of Regulations Title 24 Part 5.
7. **The latest adopted** 2016 California Energy Code of the California Code of Regulations Title 24 Part 6.
8. **The latest adopted** 2016 California Historical Building Code of the California Code of Regulations Title 24 Part 8.
9. **The latest adopted** 2016 California Fire Code of the California Code of Regulations Title 24 Part 9.
10. **The latest adopted** 2016 California Existing Building Code of the California Code of Regulations Title 24 Part 10.
11. ~~2016 California Green Building Standards Code (CALGreen Code) of the California Code of Regulations Title 24 Part 11.~~

11. Latest adopted California Green Building Standards Code, as published by ICC, triennial compilation and publication of the California Building Standards Commission, California Code of Regulations, Title 24, Part 11, this title is intended to be known as the CAL Green Code as amended July 1, 2019, and effective January 1, 2020. The adoption

of Part 11 identifies the required green building measures necessary to meet the minimum requirements and shall not include voluntary tier measures.

12. **The latest adopted** 2016 California Referenced Standards Code of the California Code of Regulations Title 24 Part 12.

B. There is at least one copy of said code on file in the office of the building official for use and examination by the public.

C. Fees. The fees for permits issued under this chapter are those established by resolution of the city council.

~~(Ord. No. 347, § 1, 1-10-2018)~~

(Ord. No. xxx, § x, x-x-2022)

#####

For explanation of the “**voluntary tier measures**” exemption noted in item #11 – (not for Municipal Code Change but by way of explanation.)

2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

*SECTION 304 VOLUNTARY TIERS 304.1 Purpose. **Voluntary tiers are intended to further encourage building practices that improve public health, safety and general welfare by promoting the use of building concepts which minimize the building’s impact on the environment and promote a more sustainable design.** 304.1.1 Tiers. The provisions of Divisions A4.6 and A5.6 outline means, in the form of voluntary tiers, for achieving enhanced construction levels by incorporating additional measures for residential and nonresidential new construction. Voluntary tiers may be adopted by local governments and, when adopted, enforced by local enforcing agencies. Buildings complying with tiers specified for each occupancy contain additional prerequisite and elective green building measures necessary to meet the threshold of each tier. See Section 101.7 of this code for procedures and requirements related to local amendments, additions or deletions, including changes to energy standards. [BSC & HCD] Where there are practical difficulties involved in complying with the threshold levels of a tier, the enforcing agency may grant modifications for individual cases. The enforcing agency shall first find that a special individual reason makes the strict letter of the tier impractical, and that modification is in conformance with the intent and purpose of the measure. The details of any action granting modification shall be recorded and entered in the files of the enforcing agency.*
