

ORDINANCE NO. 18.22

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 16, ARTICLE III OF THE MOUNTAIN VIEW CITY CODE
GOVERNING CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION AND FINDING THIS
ORDINANCE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW PURSUANT
TO CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTION 15308 (14 CCR § 15308)

WHEREAS, Assembly Bill 939, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*), requires cities and counties to reduce, reuse, recycle, and compost solid waste generated in their jurisdictions to the maximum extent feasible before incineration or landfill disposal to conserve water, energy, and other natural resources and to protect the environment; and

WHEREAS, the City's 2010 and 2018 waste characterization studies found a majority, 92.3% in 2018, of construction and demolition (C&D) debris from projects within the City are readily recyclable or potentially recyclable. Since C&D debris also represents a significant portion of the waste stream, generators should salvage or recycle these materials when feasible; and

WHEREAS, on August 19, 2008, the City of Mountain View adopted a C&D ordinance to regulate building permit project debris and establish a 50% minimum landfill diversion rate for projects of 5,000 square feet or more; and

WHEREAS, the 2016 California Green Building Standards Code (CALGreen) introduced a statewide 65% minimum landfill diversion rate for waste from newly constructed buildings and certain residential and nonresidential additions or alterations; and

WHEREAS, on January 1, 2017, CALGreen superseded the City's C&D Debris Ordinance for construction projects, increasing the landfill diversion requirement from 50% to 65%, while demolition-only projects remained at a 50% waste diversion requirement; and

WHEREAS, the C&D Ordinance is consistent with and supports the City of Mountain View's adopted 2018 Zero Waste Policy that establishes a goal to achieve 90% waste diversion from landfill by 2030 and with the 2019 Zero Waste Plan that includes measures to increase construction and demolition debris diversion; and

WHEREAS, these amendments align the City's C&D Ordinance with CALGreen covered project types, increase the demolition-only project debris diversion rate from 50% to 65%, streamline the process for C&D debris management plan submittal, and provide a simplified documentation option for certain projects to demonstrate their compliance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 16, Article III of the Mountain View City Code, governing the recycling and salvaging of construction and demolition waste, is amended as set forth below.

**“ARTICLE III.
CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION.**

SEC. 16.60 - Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- a. Addition. “Addition” shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.
- b. Alteration. “Alteration” shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.
- c. Applicant. “Applicant” shall mean any individual, firm, limited-liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation or any other entity whatsoever who applies to the city for the applicable permits to undertake a construction, demolition or renovation project within the city.
- d. Building. “Building” shall have the same meaning as in the California Building Code, Title 24, Part 2.
- e. C&D debris management plan. “C&D debris management plan” shall mean a report, prepared in a form approved by the public works director or designee, submitted as required by Sec. 16.63 below.
- f. C&D debris recycling report. “C&D debris recycling report” shall mean a report, prepared in a form approved by the public works director or designee that identifies the amounts of all C&D debris generated by the project and the amounts recycled or diverted. Copies of supporting documentation may be required and included as a part of the C&D debris recycling report.
- g. Conditioned floor area. “Conditioned floor area” shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.

h. Construction and demolition debris. "Construction and demolition debris" or "C&D debris" shall mean used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair or demolition operations on any pavement, house, commercial building or other structure. Construction and demolition debris does not include excavated soil or trees, stumps, rocks and associated vegetation and soils resulting from land clearing.

i. Demolition. "Demolition" shall mean the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

j. Diversion. "Diversion" shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.

k. Hazardous. "Hazardous" shall mean meeting the definition of "hazardous waste" in the California Green Building Standards Code, Title 24, Part 11.

l. Newly constructed. "Newly constructed" shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.

m. Project. "Project" shall mean any activity which requires an application for a building or demolition permit or any similar permit from the city.

n. Recycling. "Recycling" shall mean the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

o. Residential building. "Residential building" shall have the same meaning as in the California Green Building Standards Code, Title 24, Part 11.

p. Reuse. "Reuse" shall mean the use, in the same form as it was produced, of a material which might otherwise be discarded.

q. Salvage. "Salvage" shall mean the controlled removal of C&D debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.

SEC. 16.61. - Findings and purpose.

The City of Mountain View is required by California Public Resources Code Section 40000, *et seq.*, to prepare, adopt and implement programs designed to divert discarded materials, such

as construction and demolition debris, from landfills. Debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills, and a large percentage of this debris is composed of recyclable materials. The purpose of this Article is to establish a program for recycling and salvaging of construction and demolition waste.

SEC. 16.62. - Covered construction and demolition projects.

The following project types shall be considered covered projects and shall be subject to the provisions set forth herein. For the purposes of determining whether a project qualifies as a covered project, all phases of a project and all related projects taking place on a single parcel or adjoining parcels, as determined by the public works director or designee, shall be deemed a single project. Covered projects do not include projects exempted from complying with the Mountain View Green Building Code under Chapter 8, Article I, Division III of the Mountain View City Code.

- a. All newly constructed buildings.
- b. Additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned floor area, volume or size.
- c. Nonresidential building additions of one thousand (1,000) square feet or greater and/or building alterations with a permit valuation of two hundred thousand dollars (\$200,000) or above.
- d. Demolition projects of five thousand (5,000) square feet or more.
- e. Any other projects subject to the construction waste management requirements of the California Green Building Standards Code, Title 24, Part 11, Sections 4.408 and 5.408.

SEC. 16.63. - Submittal of C&D debris management plan.

Applicants for any covered project shall submit a C&D debris management plan in a manner approved by the public works director or designee prior to issuance of a building permit. The C&D debris management plan shall, at a minimum:

- a. Identify the C&D debris materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale.
- b. Determine if C&D debris will be sorted on-site (source-separated) or bulk mixed (single stream).
- c. Identify diversion facilities where C&D debris collected shall be taken.

The public works director or designee shall have the authority to exempt certain types of covered projects from the C&D debris management plan requirement at their discretion, if the project can demonstrate compliance with the minimum diversion requirement in Sec. 16.65 through an alternative method allowed under the California Green Building Standards Code, Title 24, Part 11.

SEC. 16.64. - Recovered and salvaged materials.

It shall be the responsibility of the owner, the general contractor and all subcontractors to recover salvageable materials prior to demolition. Every covered project involving demolition of twenty-five (25) percent or more shall be made available for deconstruction, salvage and recovery at least five (5) working days prior to the commencement of demolition or construction activities. Recovered and salvaged materials shall qualify to be counted in meeting the diversion requirements set forth in Sec. 16.65.

SEC. 16.65. - Recycling/diversion requirement.

Covered projects, as defined in Sec. 16.62, shall recycle and/or salvage for reuse at least sixty-five (65) percent, or the minimum diversion rate required by the California Green Building Standards Code (whichever is higher), of the nonhazardous construction and demolition waste. If the current version of the California Green Building Standards Code, Title 24, Part 11, requires a higher percentage of diversion for nonhazardous construction and demolition waste, the higher percentage shall apply to all covered projects regulated by this Chapter.

SEC. 16.66. - Submittal of construction and demolition debris recycling report.

The applicant shall submit to the public works director or designee a C&D debris recycling report upon completion of any covered project, demonstrating that it has met the minimum diversion requirement. The C&D debris recycling report shall be submitted no later than the time a covered project applies for final inspections.

SEC. 16.67. - Imposition of penalty for failure to comply with diversion.

Any applicant that fails to meet the sixty-five (65) percent diversion mandate must pay a penalty. The penalty amount shall be equal to the square footage of the covered project, multiplied by the difference between sixty-five (65) percent and the actual project diversion percentage, multiplied by one dollar (\$1) per square foot.

SEC. 16.68. - Imposition of late fee.

Any applicant that fails to submit the C&D debris recycling report within sixty (60) days following completion of the covered project shall be charged a late fee, in an amount of ten (10)

percent of the diversion penalty fee or one hundred dollars (\$100) per month, whichever is greater.

SEC. 16.69. - Enforcement.

Failure to submit a construction and demolition debris recycling report. Any applicant who fails to submit the C&D debris recycling report within one hundred twenty (120) days following completion of the project shall be subject to civil, criminal or administrative penalties authorized by Sec. 1.7 and 1.18 of the Mountain View City Code.”

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. The Council finds that this ordinance is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA guidelines section 15308 (14 CCR § 15308) as an action taken by a regulatory agency for protection of the environment.

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 15th day of November 2022, and thereafter adopted at the Regular Meeting of said Council, duly held on the 13th day of December 2022, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Kamei, Lieber, Matichak, Showalter, Vice Mayor Hicks, and Mayor Ramirez

NOES: None

ABSENT: None

ATTEST:

APPROVED:

HEATHER GLASER
CITY CLERK

LUCAS RAMIREZ
MAYOR

Date of Attestation: _____

Pursuant to Mountain View Charter § 709(b), I do hereby certify that the foregoing is an original or a correct copy of the ordinance passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 13th day of December 2022, by the foregoing vote, and was published in the *Daily Post* by reference on the 9th day of December 2022, and posted in three prominent places in said City.

City Clerk
City of Mountain View