



**CONSENT CALENDAR**

**Agenda Item # 2**

**AGENDA REPORT SUMMARY**

**Meeting Date:** September 22, 2020

**Subject:** Ordinance No. 2020-472: Construction and Demolition Debris

**Prepared by:** Emiko Ancheta, Sustainability Coordinator

**Reviewed by:** James Sandoval, Engineering Services Director

Aida Fairman, Engineering Services Manager

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Ordinance No. 2020-472

**Initiated by:**

Staff

**Previous Council Consideration:**

September 8, 2020, September 13, 2016; August 23, 2016

**Fiscal Impact:**

None

**Environmental Review:**

Exempt under CEQA Guideline Section 15308 – Action taken to protect the environment

**Policy Question(s) for Council Consideration:**

- Does the City desire to continue to support the goal of increasing the diversion of materials from landfill disposal and transformation facilities to reach 78% diversion and implement a waste tracking system?
- Does the Council wish to amend an ordinance that will require proof of compliance be submitted directly to the City and ensure disposal material is taken to a facility which will ensure recyclable material is diverted and impose a penalty for non-compliance?

**Summary:**

- The Ordinance requires all projects that are required to recycle under the latest version of the California Green Building Standards Code (CALGreen) to use Mission Trail Waste Systems (MTWS) or direct waste to a facility selected that meets the City's standards for diversion of C&D materials
- All projects that are required to recycle under CALGreen must submit proof of compliance (e.g., weight tickets) to the City through an online waste tracking system such as Green Halo prior to final building inspection

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**Reviewed By:**

City Manager

*CJ*

City Attorney

*JH*

Finance Director

*SE*

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**Subject:** Ordinance No. 2020-472: Construction and Demolition Debris

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- Provides for the City to impose penalties for non-compliance

**Staff Recommendation:**

Move to adopt Ordinance No. 2020-472 amending Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos and adopt the penalty fee and the administrative fee included in Chapter 6.14



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### **Purpose**

Adopt Ordinance No. 2020-472 amending Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos.

### **Background**

On August 23, 2016, the City Council introduced Ordinance No. 2016-421 adding Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos. On September 13, 2016, the City Council adopted Ordinance No. 2016-421.

On September 8, 2020, the City Council introduced Ordinance No. 2020-472 amending Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos.

### **Discussion/Analysis**

The changes to Ordinance No. 2020-472 are summarized as follows:

- The Ordinance requires all projects that are required to recycle under the latest version of the California Green Building Standards Code (CALGreen) to use Mission Trail Waste Systems (MTWS) or direct waste to a facility selected that meets the City's standards for diversion of C&D materials
- All projects that are required to recycle under CALGreen must submit proof of compliance (e.g., weight tickets) to the City through an online waste tracking system such as Green Halo prior to final building inspection
- Provides for the City to impose penalties for non-compliance

Ordinance No. 2020-472 will go into effect 31 days after adoption

### **Options**

- 1) Adopt amended Ordinance No. 2020-472, amending Chapter 6.14, Collection, Recycling, and Disposal of Waste Generated from Deconstruction, Demolition, Construction, and Renovation Projects within the City of Los Altos

**Advantages:** Staff will be able to implement requirements which will increase diversion and lead to better data being collected on C&D diversion.

**Disadvantages:** None

- 2) Do not adopt the Ordinance or provide staff direction on changes to the Ordinance



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**Advantages:** Modifications can be made to the Ordinance as necessary before being reintroduced.

**Disadvantages:** Implementation will be delayed and data will not be collected; not approving the C&D Ordinance will restrict the City's efforts to reduce waste and comply with AB 939, AB 32, AB 341, AB 1594, AB 1826, and SB 1383 and help achieve the State's 75% diversion goal by 2020.

**Recommendation**

The staff recommends Option 1.

**ORDINANCE NO. 2020-472**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING TITLE 6, CHAPTER 6.14 ENTITLED “COLLECTION, RECYCLING  
AND DISPOSAL OF WASTE GENERATED FROM CONSTRUCTION,  
DEMOLITION, AND RENOVATION PROJECTS WITHIN THE CITY OF LOS  
ALTOS.”**

**CHAPTER 6.14 – Collection, Recycling And Disposal Of Waste Generated From  
Deconstruction, Demolition, Construction And Renovation Projects Within The City Of Los  
Altos**

The Los Altos City Council finds the following:

**WHEREAS**, the City Council of the City of Los Altos (“City”) finds that the State of California through its California Waste Management Act of 1989 (AB 939) and Alternative Compliance Act of 2008 (SB 1016) requires that each local jurisdiction in the State divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

**WHEREAS**, City desires to implement a program to support its achievement of the goal to increase the diversion of materials generated in the City from landfill disposal and transformation facilities to reach 78% diversion; and

**WHEREAS**, the City finds that construction, demolition and renovation waste materials (C&D materials), which are comprised of the left over material resources and other wastes resulting from deconstruction, demolition, construction and renovation projects, constitute a significant portion of divertible waste generated within the City; and

**WHEREAS**, the City finds that the California Green Buildings Standards Code (CALGreen) currently requires certain residential and commercial construction and demolition projects to recycle, reuse, or otherwise divert a minimum of 65% of nonhazardous C&D materials; and

**WHEREAS**, the City finds that many C&D materials can be diverted from landfill disposal via recycling, composting, reuse, and other methods including use as biomass conversion and alternative daily cover; and

**WHEREAS**, the City finds that diversion of C&D materials described herein is essential to further the City’s efforts to reduce waste and comply with AB 939, AB 32, AB 341, AB 1594, AB 1826, SB 1383, and help achieve the State’s 75% diversion goal by 2020.

**WHEREAS**, the City finds that building projects can seek to divert C&D materials via a number of means, including: deconstruction and/or reuse; recycling by source separation; and commingled collection and sorting of mixed C&D materials with the purpose of diverting C&D materials; and

**WHEREAS**, the City finds that deconstruction, reuse, and recycling by source separation of C&D materials are the most desirable ways to ensure that resources are used to their highest potential by reducing upstream waste, and reducing the City’s ecological footprint; and

**WHEREAS**, the City finds that deconstruction, reuse and recycling by source separation of C&D materials may not be possible for all building projects due a variety of reasons, including but not limited to cost, type of building, project design, and site space available for waste management activities; and

**WHEREAS**, the City finds that commingled collection and sorting of mixed C&D materials with the purpose of recycling divertible C&D materials is an important strategy to ensure maximum diversion; and

**WHEREAS**, the City finds that generators of C&D materials in the City may either use debris boxes provided by the City's franchised hauler or self-haul C&D materials; and

**WHEREAS**, the City's franchised hauler of debris boxes provides source separated and commingled collection of C&D materials and recycles those loads at solid waste facilities that are known to achieve high levels of diversion of C&D materials; and

**WHEREAS**, the City currently does not receive or retain information regarding the amount of diversion achieved by those who self-haul their C&D materials; and

**WHEREAS**, projects that self-haul C&D materials may or may not achieve the same diversion of C&D materials that is possible with the City's franchised hauler; and

**WHEREAS**, the City finds that it may certify solid waste facilities that recycle source separated and/or commingled C&D materials with the purpose of diverting maximum levels of C&D materials; and

**WHEREAS**, the City may furthermore require all C&D materials generated by applicable building projects within the City to be directed to City-selected solid waste facilities; and

**WHEREAS**, the City finds that all applicable building projects must provide documentation of diversion of C&D materials to the City prior to final inspection so that the City may demonstrate compliance with CALGreen; and

**WHEREAS**, such documentation of diversion of C&D materials will provide the City with the ability to identify trends and opportunities to affect increased diversion of C&D materials; and

**WHEREAS**, the City finds that it may be necessary in the future to develop an incentive or other program, at the City's discretion, to support the provision of debris box services through the City's franchised hauler and/or otherwise direct C&D materials to certified facilities.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

#### **6.14.010 Definitions**

For the purposes of this chapter, the following definitions shall apply:

- A. “AB 939” shall mean the California Integrated Waste Management Act of 1989, as it may be amended from time to time.
- B. “Alternative daily cover (ADC)” means cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.
- C. “Applicant” means 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 any construction, demolition or renovation project within the City.
- D. “Biomass conversion” means the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of (1) agricultural crop residues; (2) bark, lawn, yard, and garden clippings; (3) leaves, silviculture residue, tree and brush pruning; (4) wood, wood chips, and wood waste; or (5) non-recyclable pulp or non-recyclable paper.
- E. “CALGreen” means the current Green Building Standards Code, as adopted by the City by Ordinance in Chapter 12.26 of the City’s Municipal Code.
- F. “CALGreen diversion requirement” means the requirement to recycle and/or salvage for reuse a minimum threshold of the non-hazardous C&D waste in accordance with CALGreen Section 4.408 (residential projects) and Section 5.408 (non-residential projects). This threshold is 65% for the 2019 Green Building Standards Code, and may change over time as the Green Buildings Standards Code is amended and adopted by the City. If the requirement to recycle and/or salvage for reuse in CALGreen is changed, including but not limited to changes in the percentage of required recycling/salvage for reuse, changes in the section numbers referring to recycling requirements, or changes in the definition of recycling, then this definition will refer to the appropriate terms and sections in the most updated and adopted Green Building Standards Code.
- G. “Certified facility” means a solid waste processing or reuse facility determined to process incoming C&D materials to divert those materials from landfill disposal or transformation for which the City has issued a certification.
- H. “City Manager” means the City Manager of the City of Los Altos, or his/her designee, including City employees or entities hired by the City to implement the requirements of this Ordinance.
- I. “Construction” means the building or improvement of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

- J. “Construction and Demolition Debris” (“C&D debris”) means commonly used or discarded materials removed from deconstruction, demolition, construction, remodeling, repair or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble. Construction and demolition debris does not include exempt waste.
- K. “Conversion factor” means the value set forth in the standardized volume-to-weight conversion table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan (WMP).
- L. “Covered project” means projects that shall be subject to the requirements of this Ordinance.
- M. “Deconstruction” means a process to carefully dismantle or remove usable materials from structures prior to, or as an alternative to, demolition.
- N. “Debris box” means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on City property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.
- O. “Demolition” means 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.
- P. “Diversion” or “Diverted” means a reduction of the amount of waste being disposed in a landfill or transformation facility by any of the following methods:
- a. Use of new construction methods, as described in regulations promulgated by City, that reduce the amount of waste generated.
  - b. On-site re-use of the waste.
  - c. Source separation: sorting of different waste materials at its point of generation for more efficient recycling or final disposal.
  - d. Delivery of the waste from the site to a Certified facility.
  - e. Other methods as approved in regulations promulgated by the City.



- Q. “Divertible C&D materials” means C&D Materials that can be diverted from landfill through deconstruction, reuse, and/or recycling subject to current technologies and market conditions.
- R. “Diversion Requirement” means diversion from the waste stream of at least 65% of the total construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an infeasibility exemption pursuant to Section 6.14.080, in which case the diversion requirement shall be the maximum feasible diversion rate established by the WMP Compliance Official for the project.
- S. “Franchised hauler” means a hauler holding a franchise, contract, license or permit issued by the City which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the City.
- T. “Generator” means the Applicant for or the owner of a project that generates C&D materials.
- U. “Non-covered project” shall have the meaning set forth in Section 6.14.040(B) of this chapter.
- V. “Project” means any activity, which requires an application for a building, grading or demolition permit, or any similar permit from the city.
- W. “Recycling” means 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.
- X. “Recyclable materials” or “recyclables” mean those materials separated from garbage by the generator which are capable of being recycled and which would otherwise be processed or disposed of as garbage.
- Y. “Renovation” means any change, addition, or modification in an existing structure.
- Z. “Reuse” means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.
- AA. “Salvage” means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.
- BB. “Self-haul” means when an applicant or generator collects C&D materials or other solid waste at their premises or place of business for the purpose of hauling those materials in their own vehicles to permitted solid waste facilities (for garbage and organics) or facilities that accept and responsibly process other solid wastes (excluding garbage and organics) in compliance with the requirements of this Ordinance.

- CC. “Solid waste” means garbage, recyclable materials, organic materials, construction and demolition debris, large items, E-waste, universal waste or exempt waste.
- DD. “Source separate” means the process of removing recyclable materials from garbage at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclable materials, organic materials, or garbage for the purposes of recycling.
- EE. “Total costs” means the total construction value of the project using standard commercial and residential valuation formulas.
- FF. “Transformation” means incineration, pyrolysis, distillation, gasification or biological conversion other than composting. “Transformation” does not include composting or biomass conversion.
- GG. “Waste Management Plan” (“WMP”) means a completed WMP form, approved by the city for the purpose of compliance with this chapter, submitted by the applicant for any covered project. The WMP shall identify anticipated C&D debris materials that will be generated for disposal and recycling. The WMP will record actual material weight or volume and disposal and recycling receipts.
- HH. “WMP Compliance Official” (“official”) means the designated city employee(s) authorized and responsible for implementing this chapter.

#### **6.14.020 General Provisions.**

##### **A. Building Permit Applicants Responsible for Compliance.**

Each applicant shall be responsible for ensuring and demonstrating its compliance with the requirements of this Chapter, for all projects that are required to recycle C&D materials per CALGreen.

##### **B. C&D Materials Diversion Required.**

Each applicant shall divert C&D materials through deconstruction, reuse, and/or recycling for each applicable project. Applicants can recycle C&D materials by using the services of the City’s franchised hauler or by self-hauling C&D materials to City-approved diversion facilities.

##### **C. Exemptions.**

Diversion of C&D materials is not required for work for which a building permit is not required or for projects that require a building permit but do not meet the thresholds for recycling C&D materials per CALGreen. It is unlawful to split or separate a project into small work projects for the purpose of evading the requirements of this Section 6.14.020.

#### **6.14.030 Diversion Requirement**

The applicant for a covered project, as defined below, shall divert at least **65%** of construction and

demolition debris unless the applicant is granted an infeasibility exemption.

#### 6.14.040 Threshold for Covered Projects.

- A. **Covered Projects.** Every non-residential and residential construction project within the City of Los Altos which include new buildings, additions, remodels with a valuation of \$25,000 or more, reroofs, interior demolition, structure demolition and pool and spa demolition shall comply. The City finds that remodels with a valuation of less than \$25,000 meet the “Waste stream reduction alternative” under in CALGreen Mandatory Residential and Non-Residential Measures.
- B. **Non-covered Projects.** Construction, demolition and renovation projects within the city that do not meet the threshold for covered projects shall be considered non-covered projects. Applicants for non-covered projects shall be encouraged to meet the 65% diversion requirement. Immediate or emergency demolition required to protect the public health, safety or welfare, as determined by a public safety official or code compliance officer shall also be considered a non-covered project. Projects eligible for an exemption as described in CALGreen Mandatory Residential and Non-Residential Measures shall be considered “non-covered.”
- C. **Public Projects of the City:** All construction, demolition and renovation projects undertaken by the City of Los Altos shall be considered covered projects for the purposes of this chapter. The project sponsor shall submit a WMP to the official prior to beginning any construction or demolition activities.
- D. **Building and Demolition Permits:** Compliance with the provisions of this chapter shall be identified as a condition of approval on any building or demolition permit issued for a covered project.

#### 6.14.050 Collection and transportation of C&D debris.

- A. Any franchise for the collection and transportation of C&D debris within the City may be granted by the City Manager on such terms and conditions as are determined by the City Council to be in the best interests of the City. Such terms and conditions shall be evidenced by a written franchise agreement, approved in form by the City Council, and executed by the City Manager and franchisee(s).
- B. It is unlawful to collect, transport or dispose of construction and demolition debris anywhere in the City except as provided for in this Chapter. It is unlawful for any person other than persons in possession of a franchise agreement granted by the City, or those persons employed by such franchised collector(s) to collect or transport any construction and demolition debris within the City except:
  1. **Donated Materials.** Construction and demolition debris generated in the City that are donated by the generator.

2. Materials Hauled by Owner or its Contractor. Construction and demolition debris that are removed from any service address and are transported to a processing or disposal site by:
- (a) The owner of such service address;
  - (b) The full-time employee of the owner that uses the owner's equipment to transport materials; or
  - (c) A construction contractor performing construction work at the service address, whose collection and transport of the C&D debris is incidental to the service being performed, provided that such contractor uses a fixed-body vehicle for the collection and transportation of the C&D debris, and such contractor collects and transports the materials at no additional or separate fee using contractor's employees and contractor's equipment. For purposes of this Section, except as set forth below, the term "incidental to the service being performed" shall mean that the material requiring collection and transportation is generated by the activity of the contractor performing the hauling.

For example, a construction contractor who remodels a kitchen can collect and transport those materials related to such construction in a fixed body vehicle for no additional fee.

As an additional example, a contractor whose responsibility with relation to the project is to clean up a site and transport C&D debris generated by other contractors or the owner/occupant must obtain a debris box from a franchised hauler.

- C. Construction and demolition debris collected under this Chapter shall only be transported to and processed and/or disposed of at City-approved facilities permitted to accept, process and/or dispose of construction and demolition debris under applicable law.

#### **6.14.060 Submission of the Waste Management Plan (WMP).**

**WMP Form.** All applicants for covered projects shall complete and submit a WMP in accordance with a City-approved format (online software or paper form) as part of the application requirements for a building, grading or demolition permit. The completed WMP shall include all of the following:

- A. Identification of C&D debris material to be generated by the project and be diverted from disposal by recycling, reuse, or salvage;
- B. For each type of C&D debris material, declare whether the disposal method will be "Recycle", "Salvage" or "Landfill";
- C. For each type of C&D debris material which will be diverted, identification of the vendor or facility that will collect or receive the material and identify the approved or certified diversion rate achieved by that vendor or facility;
- D. Specify that the amount of construction and demolition waste materials diverted shall be

calculated by weight or volume, but not by both.

**6.14.070 Penalty for Not Meeting Diversion Requirement.**

The penalty for not meeting the diversion requirement shall be assessed in accordance with the procedures given in Chapter 1.3 and appeals shall be addressed as described therein, except that:

- A. Except as otherwise expressly provided, the provisions of this chapter shall be administered and enforced within the city by enforcement officials designated by the City Manager.
- B. If the City determines that the applicant has not made a good faith effort to comply with this Article, or if the applicant fails to submit the documentation required by Section 6.14.060 of this Chapter within the required time period, the C&D applicant shall be assessed a fine and penalty equal to \$3,000.
- C. The Engineering Services Director or designee is authorized to impose probationary measures on a permittee of a covered project, for violations of this ordinance. Probationary measures will remain in effect for one year or until the permittee provides documentation satisfactory to the Engineering Services Director verifying that the reason for imposition of the probationary measures no longer exists.
- D. In addition to other remedies, the WMP Compliance Official or Building Official shall maintain a list of repeat offender of provisions of this Chapter and may not approve a future permit for the same contractor as long as a fee or penalty is uncollected for the prior project.
- E. The Building Official is authorized to withhold the final approval of a project until any penalty levied on the applicant is paid in full to the City.

**6.14.080 Infeasibility Exemption.**

- A. **Application.** If an applicant for a covered project believes that circumstances exist which make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the WMP as required by Section 6.14.050 of this chapter. The applicant shall state on the WMP form the maximum rate of diversion the applicant believes is feasible for each type of C&D debris material and the specific circumstances why the applicant believes it is infeasible to comply with the diversion requirement.
- B. **WMP Compliance Official Review.** The WMP Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the applicant, the official shall determine whether it is possible for the applicant to meet the diversion requirement.
- C. **Granting the Exemption.** If the WMP Compliance Official determines that it is infeasible for the applicant to meet the diversion requirement, the official shall put the reasons for this determination in writing based on the criteria contained in paragraph E

- below. The WMP Compliance Official shall determine the maximum feasible diversion rate for each C&D debris material and shall indicate this rate on the WMP application submitted by the applicant. The official shall then determine the diversion rate which will be applicable for the project. The official shall return a copy of the WMP application to the applicant marked “Approved for Infeasibility Exemption” and shall notify the building department that the WMP has been approved.
- D. **Deconstruction and Material Salvage.** In preparing the WMP, applicants for building or demolition permits involving the removal of all or part of an existing structure shall consider deconstruction to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to being transported for disposal to a recycling center, transformation facility, or landfill.
- E. **Denial of Exemption.** If the WMP Compliance Official determines that it is possible for the applicant to meet the 65% diversion requirement specified in Section 6.14.030, the official shall state the reasons therefore in writing based on the criteria contained in paragraph F below. The applicant shall have 30 days to resubmit a WMP application that complies with Section 6.14.050. If the applicant fails to resubmit the WMP, or if the resubmitted WMP does not satisfy the requirements of Section 6.14.080(B), the official shall deny the WMP in accordance with Section 6.14.080(D).
- F. **Criteria.** In determining whether to approve or deny an application for an exemption from the diversion requirement, the WMP Compliance Official shall base his or her written determination on the following criteria.
1. The presence or absence of exceptional or extraordinary circumstances or conditions applicable to the project that do not apply to similar projects.
  2. A determination of whether the granting the exemption constitutes a grant of special privilege inconsistent with the limitations imposed on like projects.
  3. In determining whether to approve or deny an application for an exemption, the cost to the applicant of satisfying the diversion requirement shall not be the primary reason for granting an exemption although cost may be a factor in the official’s determination of whether there are exceptional or extraordinary circumstances or conditions applicable to the project.

#### 6.14.090 Review of the Waste Management Plan (WMP).

- A. **WMP Approval Required For Issuance of Construction Permits.** No building or demolition permit shall be issued or approved for any covered project unless and until the WMP has been approved through online software or paper submittal.
- B. **WMP Approval.** A WMP shall be approved only if the official determines that the following conditions have been satisfied:

1. The WMP form submitted by the applicant satisfies all of the requirements specified in Section 6.14.050 and the official has determined that the form is complete.
  2. The applicant demonstrates to the WMP Compliance Official's satisfaction that at least 65% of the C&D debris for the covered project, or an alternative percentage approved by the official as part of the infeasibility exemption, will be diverted. WMP Compliance Official may request additional documentation of diversion or reuse as applicable as a part of this review.
- A. **Notification to Applicant and Building Official:** If the official determines that these conditions have been met, the official shall approve the WMP application, issue a copy of the approved application to the applicant and notify the City building official that the WMP application has been approved.
- B. **Disapproval.** If the WMP Compliance Official determines that the WMP application is incomplete, fails to post the required C&D recycling penalty, or fails to demonstrate compliance with the diversion requirement, the official shall either:
1. Return the WMP application form to the applicant marked "Denied", and include a written statement of the reasons for the disapproval; or
  2. Return the WMP application form to the applicant with the WMP marked "Further Explanation Required" and include written instructions for providing the necessary explanation.
- C. **Notification to Building Official If WMP Disapproved.** If the WMP application is disapproved by the WMP Compliance Official in either manner specified in Section 6.14.080(D), the official shall so notify the City building official who shall immediately stop processing the building or demolition permit for the project.

#### 6.14.100 Determination of Compliance

- A. **WMP Final Submission.** Within 30 days after the completion of construction for any covered project, the applicant shall submit to the WMP Compliance Official documentation that the applicant has met the diversion requirement for the project. This documentation shall include the following:
1. A copy of the previously approved WMP for the project with actual material volume or weight generated by the project; and
  2. Receipts and/or disposal weight records from both disposal and recycling facilities and/or vendors that received each material showing whether the material was landfilled or recycled; and
  3. Any additional information that the applicant believes is relevant to determining its efforts to comply in good faith with this chapter;
  4. Any additional information requested by the WMP Compliance Official that is

relevant to determining efforts to comply in good faith with this chapter.

- B. **Weighing of C&D Debris Materials.** Applicants shall make reasonable efforts to ensure that all C&D waste diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or to other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates provided by the City for this purpose.
- C. **Determination of Compliance.** The WMP Compliance Official shall review the information submitted by the applicant and determine whether the applicant has complied with the diversion requirement.
- D. **Full Compliance.** If the official determines that the applicant has fully complied with the diversion requirement applicable to the project as contained in the approved WMP, the official shall approve the finalization of the project.
- E. **Less Than Full Compliance:** If the WMP Compliance Official finds that the applicant has not satisfied the diversion requirement for the project, the official shall calculate the applicant's percentage rate of compliance. The official shall then determine whether the applicant has made a good faith effort to comply with the diversion requirement. In making this determination, the official shall consider the availability of markets for the C&D debris, the size of the project and the documented efforts of the applicant to divert the C&D debris. At a minimum, the applicant shall be issued a penalty subject to the provisions in Section 6.14.060 . The official shall furnish the applicant in writing with the method by which the official calculated the applicant's percentage of compliance and the reasons for the official's determination of the amount of the penalty to be charged to the applicant.
- F. **Failure to Submit Documentation.** If the applicant fails to submit the documentation required by Section 6.14.090(A) within the required time period of 30 days after the completion of a covered project, the Building Official holds authorization to administer a penalty subject to 6.14.070. The Building Official shall inform the applicant in writing of the penalty for failure to timely submit the required documentation.

#### 6.14.120 Administrative Fee

As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay the City a Construction and Demolition fee, established by resolution of the City Council, to compensate the City for staffing expenses incurred in administering this Article.

#### 6.12.130 Forms, Regulations and Guidelines.

The City Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this Chapter.



**SECTION 2. CONSTITUTIONALITY.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 3. PUBLICATION.**

This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on September 8, 2020 and was thereafter, at a regular meeting held on September 22,, 2020 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Janis C. Pepper, MAYOR

Attest:

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Andrea Chelemengos MMC, CITY CLERK