



COUNCIL REPORT

DATE: November 15, 2022

CATEGORY: Public Hearing

DEPT.: Public Works

TITLE: **Construction and Demolition Debris Ordinance**

RECOMMENDATION

Introduce 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), to be read in title only, further reading waived, and set a second reading for December 13, 2022 (Attachment 1 to the Council report).

BACKGROUND

The City Council adopted the current Construction and Demolition (C&D) Debris Ordinance on [August 19, 2008](#) based on a model provided by the State. This ordinance established a 50% minimum C&D debris landfill diversion rate for projects of 5,000 square feet or more. It also required covered projects to submit a C&D debris management plan at the time of building permit application and to document landfill diversion of debris generated on-site with a C&D debris recycling report.

The 2016 California Green Building Standards Code (CALGreen) update introduced a Statewide 65% minimum landfill diversion rate for C&D debris from newly constructed buildings and certain residential and nonresidential additions or alterations. CALGreen's diversion requirement superseded the City's ordinance, so the higher diversion rate applied to all Mountain View CALGreen-covered projects as of January 1, 2017; however, since the State requirement did not apply to demolition-only projects, these projects stayed at the City ordinance's 50% diversion requirement.

On [October 29, 2019](#), the City Council approved the Zero Waste Plan as a road map to achieve the zero-waste goals of Council Policy K-22. Of the 39 plan initiatives, three related to increasing C&D debris diversion from landfill. The status of these three initiatives is provided below:

- Item 18, Direct Construction and Demolition Loads to High-Diversion Facilities, is complete. The Recology collection agreement approved by Council in 2020 directed Recology to begin transporting all C&D debris boxes to Zanker Recycling in San José on January 1, 2022. Zanker's sophisticated C&D debris sorting equipment can achieve up to 84% landfill diversion of mixed C&D debris and even higher diversion for source-separated material.
- Item 11, Technical Assistance to Construction Contractors, is in progress. The goal is to support contractors to meet and exceed the City's minimum diversion requirements through source-separation of recyclable materials and other best practices.
- Item 20, Increase Construction and Demolition Diversion Requirement, is in progress. The ordinance amendment recommended in this report supports implementation of this Zero Waste Plan initiative.

ANALYSIS

Staff recommends the following changes to the City's C&D Ordinance:

- Align covered project types with CALGreen.
- Extend the 65% debris diversion rate to demolition-only projects.
- Revise the C&D debris management plan submittal requirement.
- Allow for simplified documentation to demonstrate C&D debris diversion compliance.

Covered Projects

Currently, the City's ordinance applies to all project types of 5,000 square feet or more. The recommended ordinance amendment would eliminate this definition and align the types of projects subject to the ordinance with those covered by the CALGreen diversion requirement, which are as follows:

- All newly constructed buildings.
- Additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned floor area, volume, or size.

- Nonresidential building additions of 1,000 square feet or greater and/or building alterations with a permit valuation of \$200,000 or above.
- Any other projects subject to the construction waste management requirements of the California Green Building Standards Code, Title 24, Part 11.

Demolition-only projects of 5,000 square feet or more, while not covered by CALGreen, would still be covered by the ordinance.

The City has enforced the CALGreen requirements since January 1, 2017; therefore, the amendment would not change the number of projects subject to the diversion requirements; however, it would resolve a key conflict between the City's ordinance and the California Building Standards Code.

Demolition-Only Project Diversion Rate

The recommended ordinance amendment would increase the diversion rate for demolition projects of 5,000 square feet or more from 50% to 65% to align it with the diversion rate for construction projects. Staff does not expect the increased diversion rate would be challenging for projects to meet since the current average diversion rate for demolition-only projects is 85%.

C&D Debris Management Plan

The City's ordinance requires a C&D debris management plan for all covered projects that:

- Identifies the C&D debris materials to be recycled, salvaged, or reused;
- Determines if C&D debris will be sorted on-site (source-separated); and
- Identifies the diversion facilities where C&D debris will be taken.

The current ordinance requires C&D debris management plan submittal at the time of building permit application. At this stage in the process, building plans are not yet finalized, and a contractor may not yet have been hired for the project. As a result, many projects fail to complete their C&D debris management plan and are disapproved during multiple rounds of the plan-check process. Another common problem is applicants submit temporary "placeholder" plans, created by a property owner or architect without the necessary expertise, often requiring technical assistance from City staff. Ultimately, the general contractor must replace these temporary plans because they are responsible for complying with the diversion requirements. This results in additional staff time to review C&D debris management plans and extra steps for permit applicants.

Staff engaged a consultant in February 2021 to analyze and provide recommendations for the City's C&D debris program. The consultant interviewed contractors and other stakeholders and evaluated other jurisdictions' programs. Based on their findings, the consultant proposed to improve the building permit process by requiring C&D debris management plan submittal at a later stage. Staff recommends changing the timing of plan submittal from permit application to issuance of the building permit. Amending the ordinance to allow for this change would reduce staff project review time, eliminate unnecessary disapprovals during plan check, and create an easier permit application process. This would also better align Mountain View's process with other jurisdictions.

Simplified Documentation

The consultant also recommended simplifying the documentation some projects must submit to demonstrate C&D debris diversion. The City's C&D Ordinance states that all projects that are 5,000 square feet or more must submit a C&D debris management plan. In addition, a C&D debris recycling report is required at the end of the project that identifies the amounts of project debris generated, including debris recycled or otherwise diverted from landfill disposal, and supporting documentation, such as weight tags from disposal and recycling facilities. With the current ordinance applied to all CALGreen-covered projects, all new construction and much smaller projects, such as certain additions and alterations, must submit the same high level of documentation, which is not always necessary or applicable.

The ordinance amendment would allow staff the flexibility to utilize alternative compliance pathways allowed under CALGreen when a C&D debris management plan or a full C&D debris recycling report is not deemed necessary. For example, the installation of a prefabricated accessory dwelling unit requires a building permit but does not typically generate construction waste and, therefore, should not require a plan, and the recycling report can state the project site did not generate debris.

Environmental Clearance

This ordinance has been determined to be categorically exempt from California Environmental Quality Act (CEQA) review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

FISCAL IMPACT

The proposed amendment to align waste management plan submittal with building permit issuance is expected to reduce the staff time necessary to review permit applications in both the Solid Waste and Building Sections. Aligning covered projects with CALGreen requirements and increasing the demolition diversion rate requirement to 65% will not impact staff time as these amendments do not change the number of covered projects.

ALTERNATIVES

1. Do not introduce the attached ordinance.
2. Propose modifications to the attached ordinance.
3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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Attachment: 1. Construction and Demolition Debris Ordinance