



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: October 27, 2022
MEETING DATE: November 1, 2022

TO: Honorable Mayor and Members of the Town Council

FROM: Thomas Ahrens, Interim Chief Building Official 

Robert Brown, Interim Climate Action Coordinator

SUBJECT: Introduction of an Ordinance Repealing And Reenacting Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15 and 15.17 to Title 15; Adopting By Reference and Amending as Noted Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, And 12 of the California Building Standards Code, Known As Title 24 of the California Code Of Regulations, Incorporating: The 2022 California Building Code; The 2022 California Residential Code; The 2022 California Electrical Code; The 2022 California Mechanical Code; The 2022 California Plumbing Code; The 2022 California Energy Code; The 2022 California Historic Building Code; The 2022 California Existing Building Code; The 2022 California Green Building Standards Code; and The 2022 California Referenced Standards Code; Adopting by Reference The International Code Council Electrical Code Administrative Provisions, 2006 Edition, Published by the International Code Council; and Adding Chapter 15.25 All-Electric Construction in Newly Constructed Buildings, and Finding that Adoption of the Ordinance is Exempt Pursuant to CEQA Guidelines and Setting a Public Hearing for Adoption of the Ordinance



RECOMMENDED ACTION:

Staff recommends the Town Council:

- 1) Introduce the proposed Ordinance by title only, and waive further reading of ordinance adopting the following construction codes: Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the California Building Standards Code, known as Title 24 of the California Code of Regulations, incorporating the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Energy Code, the 2022 California Historical Building Code, the 2022 California Existing Building Code, the 2022

California Green Building Standards Code, the 2022 California Referenced Standards Code, and adding new Chapter 15.25 All-electric Construction in Newly Constructed Buildings; and

2) Set a public hearing on the adoption by reference of the California Building Standards Code as is being proposed for the next regular meeting of the Town Council on November 15, 2022.

BACKGROUND:

Pursuant to provisions of the Health and Safety Code and the administrative mandate of the California Building Standards Commission, California cities and counties are required to enforce minimum construction standards contained in the State Housing Law and in the California Building Standards Code. The most recent updates to the California Building Standards Code become effective on January 1, 2023 and are identified in the “subject” area of this staff report and in the following paragraph.

The International Building Codes are published on a triennial basis (last cycle was in 2019). The California Building Standards Commission then reviews the International model codes and determines changes to be made for the California Building Codes. Once the California Codes are published, local jurisdictions have 180 days to amend these codes as needed and adopt them for their own jurisdiction; otherwise the California Code becomes the default code for the jurisdiction.

DISCUSSION:

Town staff is recommending adoption of the 2022 California Building Code, 2022 California Residential Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Historic Building Code, 2022 California Existing Building Code, 2022 California Green Building Standards Code, and the 2022 California Referenced Standards Code (Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the 2022 California Building Standards Code) without amendments to any of the technical provisions contained within the codes.

Administrative provisions have been amended in all of the codes that are proposed for adoption in order to allow for proper administration of future appeal or abatement actions. Under the amended provisions of the proposed adoption ordinance, appeals of the building department’s determinations under the California Building Standards Code would be administered by the Town Council, and abatement of dangerous and substandard building conditions would be administered pursuant to the nuisance regulations contained in the Corte Madera Municipal Code.

Green Building “Reach” Codes

Marin County Proposed “Reach” Codes

Marin County has spearheaded an effort this year to develop a model set of “reach codes” which would exceed the requirements of the California Building Standards Code (Title 24) as local amendments for consideration for adoption by all of Marin’s jurisdictions so as to have common building requirements for the benefit of both staff and applicants. This effort has included a technical advisory committee which included the Town’s building official, focus group interviews with various developers including builders of affordable housing, and a public workshop. This model code approach was also the subject of a recent Marin County Civil Grand Jury Report which encouraged steps towards building electrification and the collaborative effort. The Town Council adopted as response to the Grand Jury Report on August 16, 2022 and a revised response on October 3, 2022. Both responses and a copy of the Grand Jury Report is included as Attachment 2. The Council expressed agreement with the findings of the Report and support for the collaborative process, indicated it would consider electrification requirements for new construction as part of its building code adoption process this fall, and stated that requirements for remodeled structures requires additional analysis and collaboration between jurisdictions before adoption.

The underlying purpose of the proposed reach codes is to implement programs of adopted Climate Action Plans to reduce the emission of greenhouse gases by reducing the burning of fossil fuels in buildings and vehicles. In the case of energy use in buildings, the electricity supply is becoming increasingly carbon-free due to higher levels of renewable power in the grid. Burning of natural gas for space and water heating now constitutes nearly 27% of local greenhouse gas emissions, compared to only 7% for systems powered by electricity. In the case of transportation, the State intends to mandate the sales of only electric vehicles after 2035. The proposed reach code enhances requirements for installation of electric vehicle charging infrastructure and chargers in new construction and electrical or parking lot upgrades to accommodate current and future EV use.

In summary the County’s proposed reach codes include the following:

Electrification of newly constructed buildings

The proposed reach code would preclude the installation of natural gas infrastructure in newly constructed residential and non-residential buildings. The new 2022 State code requires that all new residential projects include either electric space heating or water heating as a first step in promoting electrification, but the proposed reach code goes further, requiring full electrification.

The model ordinance would exempt the following:

- Portable outdoor appliances (propane) for cooking and heating,
- Food service establishments (restaurants and commercial kitchens),
- New accessory dwelling units that are attached or within existing mixed-fuel residences,
- Emergency back-up generators for essential services buildings and multifamily buildings,
- Industrial uses requiring industrial process heat for its operations, and
- Projects that have previously received entitlements.

The draft ordinance also allows the Building Official to grant exceptions for:

- Affordable housing projects (100% affordable units) if costs of compliance are disproportionate to the overall project costs and decreases the level of affordability,
- Applicants who can demonstrate an equivalent GHG reduction to that of all-electric

- construction, and
- Applicants who can demonstrate that the building is unable to meet the Energy Code performance compliance standard using available technology.

Exemptions granted by the Building Official are required to pre-wire locations of gas appliances for future conversion to electric.

A summary of the electrification reach code provided by Marin County is included as Attachment 3.

All-electric requirements for new buildings have been adopted in San Anselmo and Fairfax and approximately fifty other California agencies, and are being considered in this code adoption cycle by Marin County, San Rafael, Sausalito, Larkspur and Mill Valley.

Enhanced EV infrastructure requirements

The proposed reach code has differing requirements by type of construction (see Attachment 4 for a summary):

Single-family and duplex

New construction: Compliance with CALGreen Tier 1 requirements, which include installation of a 208/240v circuit with a receptacle and 40-amp service for new dwelling unit (“EV Ready”). The base State code only requires installation of conduit and capacity in the electrical service panel for a 40-amp circuit for future installation (“EV Capable”).

Remodels: If a remodel/addition requires an upgrade to the electrical service panel, a new 208/240v 40-amp circuit with a receptacle is required.

Multifamily

New construction: 15% of resident spaces with installed Level 2 chargers, 85% of resident spaces EV Ready (an installed circuit for 20-amp Low Power Level 2 receptacle).

Remodels: If a remodel/addition requires an upgrade to the electrical service panel, 20% of spaces require a new 208/240v circuit with receptacles and 40-amp service. If a parking lot is modified by removing paving and curbing, conduit must be run to at least 50% of the modified spaces OR conduit run to 20% of modified spaces and at least 5% must have installed Level 2 or 3 chargers.

Hotels and motels

New construction: 10% of spaces with installed Level 2 chargers, 35% of spaces EV Ready (an installed circuit for 20-amp Low Power Level 2 receptacle) and 10% EV Capable.

Remodels: Same as multi-family when an upgrade to electrical service panel or parking lot occurs.

Non-residential

New construction: Compliance with CALGreen Tier 1 requirements, which include installation of Level 2 chargers on between 0 and 33% of total spaces (on a sliding scale based on number of spaces) and provide EV Capable conduit and panel capacity for between 0 and 55% of total spaces. For example, a new building with up to 25 parking spaces would have to

provide 5 EV Capable spaces and no installed chargers. A building with up to 50 spaces would have to provide 11 EV Capable spaces and 2 spaces with Level 2 chargers.

In addition, under the new CALGreen requirements, grocery, retail and warehouse buildings with off-street loading facilities will be required to provide chargers for medium- and heavy-duty trucks, the number of which depend on the size of the facility.

Remodels: Same as multi-family when an upgrade to electrical service panel or parking lot occurs.

A summary of these requirements, including a comparison with the new CALGreen “base” code is included as Attachment 4.

Enhanced energy requirements for additions/alterations of single-family residences

To address incremental electrification of the existing building stock in Marin, which far exceeds anticipated construction of new units, the model reach code requires that additions and alterations to conditioned space in single-family homes which exceed 750 square feet comply with a points-based system from a listing of allowable energy efficiency and electrification options. The optional efficiency measures include improvements such as lighting upgrades, replacement of gas appliances with electric heat pump units, increasing insulation, air sealing, duct sealing and window replacement. The point requirements and efficiency measures are shown in Attachment 5.

Town of Corte Madera Proposed “Reach Codes”

Consistent with the Town’s response to the Marin County Civil Grand Jury Report, staff recommends that the Town Council consider adopting all-electric requirements and the enhanced EV charging infrastructure for newly constructed buildings as part of their adoption of the 2022 California Building Standards Code. Incorporating “green” technology in buildings is most cost effective at the time of original construction and since new buildings last for decades, it is most imperative to assure that they have the lowest energy demand possible. The impact of these code changes on staff administration will not be excessive since the Town does not issue that many permits annually for new buildings.

Staff is recommending that further work be done to analyze how best to address building renovations, consistent with the Town Council’s response to the recent Grand Jury Report. The County’s proposed reach code for renovations is a creative approach, but requires additional analysis and coordination among the Marin jurisdictions and building officials and much more extensive community outreach in all the communities which may consider adopting these proposals. Corte Madera is also currently impacted by the recent departure of our Building Official. Staff will recommend that this portion of the reach code be reconsidered by the Council in 2023, following additional staff work and community outreach, in which the CAC can play a significant role.

Town of Corte Madera Climate Action Committee Recommendation

The Town’s Climate Action Committee heard a presentation on the model reach codes by a member of the County’s Sustainability Team on September 21, 2022 and further discussed the matter with Town staff at its meeting of October 26, 2022. The Committee unanimously recommends that the Town Council incorporate the entire model reach code, including those

related to remodels of existing buildings, in the adoption of the new building code. Their rationale is explained in Attachment 6.

FISCAL IMPACT:

Fiscal impacts are expected to be minimal given that State model construction codes undergo a deliberative, consensus-based industry evaluation process that allows for gradual implementation of new regulatory methods based on innovations in technology, safety systems, and construction methods.

WORK PLAN:

This project is identified as a Category I (Climate Hazards) work plan item for 2022. Specifically, Climate Hazards No. 6 states: “Adopt new California Building Code and consider increased building standards to address climate action policies and goals.”

ENVIRONMENTAL IMPACT:

Staff recommends the Town Council find that pursuant to CEQA Guidelines section 15378(b)(5), action on this item is not a project subject to CEQA because it is an administrative governmental activity which will not cause a direct or indirect physical change in the environment. And further finding that under section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. And further finding that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

OPTIONS:

1. Introduce the ordinance as proposed;
2. Instruct staff to revise the proposed ordinance and return to the Council for introduction of the revised ordinance; or
3. Direct staff to provide more information regarding the proposed ordinance; however, notwithstanding the action that is chosen by the Town Council, application and enforcement of the subject construction standards is still mandated by California law.

If the Town Council chooses to introduce the ordinance, then it must set a public hearing for the adoption by reference of the California Building Standards Code as provided by the proposed ordinance for its next regular meeting on November 15, 2022 in order for the ordinance to take effect by the first business day in January 2023.

ATTACHMENTS:

1. Proposed Ordinance
2. June 2022 Marin County Civil Grand Jury Report and Town Responses to the Report
3. Summary of All-Electric Reach Code
4. Summary of EV Charging Infrastructure Reach Code
5. Summary of Enhanced Energy Requirements for Single-Family Additions/Alterations Reach Code
6. October 26, 2022 recommendation of the Climate Action Committee

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.