



TOWN OF FAIRFAX

STAFF REPORT

December 7, 2022

TO: Mayor and Town Council

FROM: Mark Lockaby, Building Official
Sean Youra, Climate Action Coordinator

SUBJECT: Adoption of Ordinance to Adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, with Local Amendments, and Adopting the 2021 Edition of the International Property Maintenance Code

RECOMMENDATION

- 1) Open/close public hearing
- 2) Waive full reading, read by title only and adopt Ordinance to Adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, with Local Amendments, and Adopting the 2021 Edition of the International Property Maintenance Code.

BACKGROUND

The Town Council introduced the attached Ordinance at a duly noticed public meeting on November 2, 2022. Tonight is the public hearing on the ordinance, and second reading and adoption.

On July 1, 2022 the State of California published and made available the 2022 Edition of the California Code of Regulations, Title 24 consisting of the following:

- The California Administrative Code
- The California Building Code
- The California Residential Code
- The California Electrical Code
- The California Mechanical Code
- The California Plumbing Code
- The California Energy Code
- The California Historical Building Code
- The California Fire Code
- The California Existing Building Code
- The California Referenced Standards
- The California Green Building Standards Code *CalGreen*

The State has mandated that local jurisdictions must adopt the codes with appendices and amendments to be effective by January 1, 2023. California Building Standards are applicable to all

occupancies throughout California, whether or not the local government takes an affirmative action to adopt those California Building Standards. However, the standards enforced by statute will be without added appendices and amendments.

The County of Marin in collaboration with local jurisdiction staff have developed a green building model reach code that includes additional requirements that exceed the 2022 California Building Standards Code, specifically for new construction and remodels of existing buildings. The County released an updated version of the model reach code on October 7, 2022 that includes changes in some of the definitions (e.g., Level 1 EV Ready, Level 2 EV Ready), changes in the EV infrastructure requirements for new multifamily and hotel/motel construction, changes in the EV infrastructure requirements for additions/alterations of multifamily, hotel/motel, and nonresidential buildings, and changes to Table 2 for the energy efficiency and electrification measures applicable to single-family remodels. Most of these changes were already discussed with the Town Council at the October 11, 2022 meeting.

At its October 11, 2022 meeting, the Town Council directed staff to include the County's green building model reach code, with staff and Council recommended revisions, as part of the 2022 California Building Standards Code adoption. These recommended revisions included:

- Hardship/infeasibility exemptions for single-family residential projects subject to the flexible compliance pathway requirements:
 - Compliance disproportionate to overall project cost;
 - Strict compliance with the standards would create or maintain a hazardous condition(s) and present a life safety risk to the occupants;
 - Conflicts with State standards;
 - Measures impair a listed historic structure.
- A square footage threshold of 200 sq. ft. instead of 750 sq. ft. for single-family residential projects subject to the flexible compliance pathway requirements.
- A square footage threshold of 200 sq. ft. instead of 750 sq. ft. for single-family and multifamily projects subject to CALGreen Tier 1 requirements.
- For new multifamily building construction, 15% of the total parking spaces must be Level 2 EVCS and 85% must be Low Power Level 2 EV Ready.
- For multifamily and nonresidential additions and alterations that modify the service panel, electrical capacity must be added for 20% of onsite parking spaces to be Level 2 EV Ready.
- For multifamily and nonresidential renovations that modify the parking lot surface, conduit must be added to a minimum of 25% of exposed parking spaces and a minimum 5% of EVCS must be installed to parking spaces requiring any combination of Level 2 and Direct Current Fast Charging EVSE, except at least one Level 2 EVSE must be provided.

DISCUSSION

In addition to the mandatory updates required by the 2022 California Building Standards Code, this ordinance proposes to continue the Town's progress towards electrifying the building and transportation sectors by adopting local amendments to the Building Code that require increased electric vehicle (EV) infrastructure to be built during new construction and additions or alterations of existing buildings. Furthermore, this ordinance also includes stronger energy efficiency and electrification requirements for additions, alterations, and remodels and will assist the Town in achieving its GHG reduction, energy savings, and environmental protection goals.

The proposed ordinance includes three notable changes related to the Town's current green building requirements:

1. **Existing single family residences undergoing additions or alterations, will be required to implement additional energy efficiency and electrification measures beyond the State code.** (Section 19.04.130 and Section 19.04.140, Standards of Compliance)

Additional energy savings are achieved through a performance compliance pathway recently developed by the State. The Flexible Compliance path is a points-based system allowing homeowners and contractors to select from a comprehensive menu of energy efficiency and electrification measures that are appropriate for the scope of their project. This requirement applies to single family additions and alterations affecting 200 or more square feet. This ordinance includes specific language exempting ADUs and JADUs created as part of an addition or alteration.

The additional energy efficiency standards proposed for the single-family additions and alterations have been demonstrated to be cost-effective in modeling studies completed by the Statewide Reach Codes Program.

2. **Requirement that all covered projects meet CALGreen Tier 1 standards.** This ordinance requires all projects including new construction and additions and alterations meet CALGreen Tier 1 standards with verification provided by the installer or designer excluding Tier 1 Energy Efficiency provisions contained in Appendix A4.2 and A5.2, as well as for electric vehicle (EV) charging infrastructure for certain building types as detailed in item 3 below.

3. **Requirements for electric vehicle (EV) infrastructure that exceed CALGreen standards.** The proposed ordinance requires that single and two-family residential and nonresidential new construction meet CALGreen Tier 1 standards. Only State minimum standards will be required for nonresidential grocery, retail or warehouses planning for off-street medium-heavy duty vehicles.

For multifamily residential new construction, EV standards will go above and beyond State standards by requiring the ability for 100% of units with parking spaces to have charging capabilities. Of the total parking spaces, 15% will be required to have Level 2 charging stations (i.e., network charging stations that plug into a car) and 85% will require low-power level 2 EV Ready receptacles (i.e., 240-volt outlet that a car's charging cable can plug into).

For additions and alterations, EV standards for single-family projects meet CALGreen Tier 1 standards. State minimum and CALGreen Tiered standards exists for multifamily residential and nonresidential projects being remodeled. However, the State standards miss the opportunity to maximize this moment when parking lot surfaces and/or service panels are upgraded. By requiring the installation of EV infrastructure at time of parking lot upgrades, developers can fully benefit from construction savings and install valuable amenities for their occupants. In response, additions and alterations for multifamily residential and all nonresidential projects in Fairfax will go above and beyond State standards while improving upon previously adopted standards by requiring the following:

- (i) If the service panel is modified: add designated electrical capacity so that 20% of onsite parking spaces can be Level 2 EV Ready.
- (ii) If the parking lot surface is modified (paving material and curbing removed):
 - Add conduit (aka raceway) to a minimum of 25% of exposed parking spaces, AND
 - Install at minimum 5% EVCS to parking spaces requiring any combination of Level 2 and Direct Current Fast Charging, except at least one Level 2 charger shall be provided.

The proposed ordinance also includes the updated definitions from the model reach codes published on October 7, 2022. It does not include separate EV infrastructure requirements for hotels/motels as in the model code to maintain simplicity and avoid having too many different requirements based on the building type. Any new hotels/motels or additions/alterations of hotels/motels would be subject to the same requirements as nonresidential buildings.

The 2021 edition of the International Property Maintenance Code is not included in the California Code of Regulations, but is included in the ordinance because it is referenced for use in the California Building Code.

The Fire Code will be adopted separately under Chapter 8 of the Fairfax Municipal Code; however the Ross Valley Fire prevention officers are again requesting changes to Chapter 7 of the building code, and Chapter 3 of the residential code requiring that the Wildland Urban Interface Code (WUI) apply to: new buildings, additions, repairs, and exterior alterations. The amendments have been added to Section 15.04.020 of the Municipal Code.

FINDINGS

Staff recommends continuing the practice of not adopting Appendix B "Board of Appeals" of Title 24. Without the adoption of Appendix B, the Town will be following Section 2.44.010 of the Town Code, which provides for an appeal to the Town Council.

The following amendments we are carrying forward to make the Building Code consistent with the Fire Code:

- 15.04.015 Definitions
- 15.04.055 Alternative Power Supplies

The following Chapter has been amended to have the WUI code apply to: Additions, repairs, and exterior alterations:

- 15.04.020 Exterior Fire Resistive Construction, Automatic Sprinkler Systems, Fire Extinguishers, Smoke Alarms

The amendments we will be carrying forward due to local climatic, geological and/or topographical conditions are:

- 15.04.030 Roof Coverings
- 15.04.035 Barriers for swimming pools, spas, and hot tubs
- 15.04.040 Septic Systems
- 15.04.060 Applicability of the 2006 Wildland Urban Interface Code

The following items will continue to be included in Chapter 15 but are not amendments to the codes:

- 15.04.025 Plan Check Fees
- 15.04.045 Correcting Past Violations
- 15.04.050 Fee Adjustments. The fees are based on a fee study by Revenue & Cost Specialists LLC July 15, 2019 and adopted by Resolution 19-39 on November 6, 2019.
- Chapter 15.08 Reports of Residential Building Records

FISCAL IMPACT

None

ATTACHMENT

Ordinance