

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA FINDING THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES; AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CORTE MADERA MUNICIPAL CODE BY REPEALING THE EXISTING CHAPTER 15.08 (ENERGY CODE) AND ADOPTING A NEW CHAPTER 15.08 AMENDING THE 2022 CALIFORNIA ENERGY CODE TO REQUIRE HIGHER ENERGY PERFORMANCE FOR CERTAIN SINGLE FAMILY PROJECTS; AND BY REPEALING THE EXISTING CHAPTER 15.13 (GREEN BUILDING STANDARDS CODE) AND ADOPTING A NEW CHAPTER 15.13 AMENDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE TO REQUIRE ENHANCED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE IN NEW CONSTRUCTION AND CERTAIN ADDITIONS AND ALTERATIONS; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES

WHEREAS, on November 15, 2022, the Town Council of the Town of Corte Madera adopted the 2022 California Building Standards Code with local amendments as set forth in Ordinance No. 1022, including increased requirements for electric vehicle charging infrastructure in newly constructed buildings; and

WHEREAS, an inventory of 2022 greenhouse gas emissions for the Town found that the use of energy in residential and non-residential buildings within Corte Madera generates 25% of the total annual greenhouse gas emissions; and

WHEREAS, the Corte Madera 2020 Climate Action Plan identifies reducing building energy use as a key strategy to meet the adopted goal of reducing the emissions of greenhouse gases to 40% below 1990 levels by the year 2030; and

WHEREAS, the Town Council adopted a resolution on December 1, 2020 declaring a climate emergency and reaffirming the Town's commitment to reducing greenhouse gas emissions; and

WHEREAS, the California Global Warming Solutions Act of 2006, known as AB 32, established a statewide goal of reducing greenhouse gas emissions to 1990 levels by 2020 and to a level 80% below 1990 levels by 2050, and Senate Bill 32, passed in 2016, set a target to reduce statewide emissions to 40% below 1990 levels by 2030; and

WHEREAS, the State of California Air Resource Board 2022 Scoping Plan states that greenhouse gas reductions from local efforts are important to support state-level measures and highlights building decarbonization as a priority strategy for greenhouse gas reduction; and

WHEREAS, the Town is now proposing to adopt further local amendments to the 2022 California Building Standards Code that would apply to certain new and renovation projects and are reasonably necessary to address local climatic, topographic, and geologic conditions in accordance with the findings included in this ordinance; and

WHEREAS, the Public Resources Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, the Town Council hereby determines that the revised energy standards contained herein are cost-effective, based upon the findings of the 2022 Cost-Effectiveness Study: Existing Single Family Building Upgrades published on April 25, 2024 by Frontier Energy, Inc. and Misti Bruceri & Associates LLC and included as Exhibit A; and

WHEREAS, nothing in this ordinance is intended to amend or conflict with any provisions of the National Appliance Energy Conservation Act of 1975 or to impose requirements to use or install any appliance or appliance system; and

WHEREAS, the Corte Madera Planning Commission discussed the proposed amendments at its meeting of July 11, 2023, and provided feedback; and

WHEREAS, the Corte Madera Climate Action Committee discussed staff recommendations for the adoption of these amendments at its meeting of May 15, 2024 and unanimously recommended that Town Council adopt the proposed amendments;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1: Recitals

The above recitals are true and correct.

Section 2: Environmental Compliance

The Town Council hereby finds that adoption of this Ordinance is exempt from the requirements of CEQA under the common sense exemption in 14 C.C.R. § 15061 on the grounds that these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment. Further, it also finds 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.

Section 3: Amendment to Chapter 15.08 of the Municipal Code

Chapter 15.08 of the Corte Madera Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 15.08 - ENERGY CODE

Sections:

15.08.010 Adoption by Reference

15.08.020 Requirements for additions and alterations – Local amendments to 2022 California Energy Code

15.08.030 Violation - Penalty

15.08.040 No Mandatory Duty

15.08.010 Adoption by Reference.

The 2022 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, is hereby adopted by reference with amendments as set forth in this chapter.

15.08.020 Requirements for additions and alterations – Local amendments to 2022 California Energy Code

Section 100.0 – SCOPE – of Subchapter 1 – ALL OCCUPANCIES–GENERAL PROVISIONS – of the 2022 California Energy Code is amended to add new section (i) as follows:

(i) Single-Family Building Remodel Energy Reach Code. In addition to all requirements of the California Energy Code applicable to Existing Single-Family Building additions and alterations, the energy efficiency and renewable energy measures specified in Section 150.0(w) shall be required for Covered Projects.

Section 100.1(b) – Definitions – of Subchapter 1 of the 2022 California Energy Code is amended by adding the following definition:

“Covered Project(s)” means additions or alterations, as described below, to a single-family residential building originally permitted for construction on or before December 31, 2010, which equal or exceed 750 square feet of interior conditioned space. Any addition or alteration to the same structure in the preceding 36 months shall be counted towards the 750 square feet threshold, except those additions or alterations made prior to

the initial adoption of this ordinance. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings (subfloor and drywall), roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purpose of applying this definition.

This definition does not apply to project scopes that are solely limited to any of the following: the replacement and upgrading of residential roof coverings, exterior wall finishes and/or floor finishes; alterations that add no more than 75 square feet of fenestration; alterations that add no more than 16 square feet of skylight area with a maximum U-factor of 0.55 and a maximum SHGC of 0.30; or alterations that are limited to providing access for persons with disabilities. A Covered Project shall not include a project that is considered to be a newly constructed building under the California Energy Code, Title 24, Part 6. The final determination of whether a project meets the definition of a Covered Project shall be made by the Building Official or designee.

The first two paragraphs of Section 150.0 of Subchapter 7 – SINGLE-FAMILY RESIDENTIAL BUILDINGS - MANDATORY FEATURES AND DEVICES – are amended to read as follows:

Single-family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(v). In addition, Covered Projects shall comply with the applicable requirements of Section 150.0(w).

NOTE: The requirements of Sections 150.0(a) through 150.0(v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to additions or alterations, except that Covered Projects shall also be required to comply with Section 150.0(w).

Section (w) is added to Section 150.0 as follows:

(w) A Covered Project shall install a set of measures based on building vintage from the Measure Menu in Table 1B to achieve a total Measure Point Score that is equal to or greater than the Target Score in Table 1A. In addition, all mandatory measures listed in Table 1B shall be installed. Installed measures shall meet the specifications in Table 2, List of Measure Specifications.

Building vintage is the year in which the original construction permit for the building was submitted, as documented by building department records, or the permit issue date of an addition or alteration that satisfied the Performance Standards (California Energy Code, Title 24, Part 6, Section 150.1(b)) that were in effect at that time, whichever is later.

Exceptions to 150.0(w):

(i) If a project is limited solely to a newly created attached Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Unit (JADU) as defined in §18.31.020, Corte Madera Town Code, the project shall be exempt from

complying with this Section. A newly created ADU and JADU shall include either additions or conversions of existing space. This exception DOES NOT apply to a Covered Project of an existing ADU or JADU.

(ii) If a project occurs in a Mobile Home, Manufactured Housing, or Factory-built Housing as defined in Division 13 of the California Health and Safety 12 Code (commencing with section 17000 of the Health and Safety Code), the project shall be exempt from complying with this Section.

(iii) If, due to conditions specific to the project, it is technically or economically infeasible to achieve compliance, the Building Official may reduce the Target Score and/or waive some or all the mandatory requirements.

(iv) If the applicant demonstrates that the Energy Budget of the Proposed Building Design would be less than or equal to the Energy Budget of the building under the project if it included any set of measures that would achieve compliance under this Section, the project shall be exempt from complying with this Section.

(v) If the applicant resides in the dwelling unit and demonstrates that they qualify for the California Alternative Rates for Energy (CARE), or Family Electric Rate Assistance (FERA) program, or if the applicant is the owner of the dwelling unit which is occupied by a dependent who demonstrates that they qualify for the California Alternative Rates for Energy (CARE), or Family Electric Rate Assistance (FERA) program, the project may comply by installing, to the specifications in Table 2, the following measures:

(a) E1: Lighting Measures; and

(b) E2: Water Heating Package

Table 1A: Target Score

	Building Vintage		
	Pre-1978	1978-1991	1992-2010
Target Score	8	7	6

Table 1B: Measure Menu

ID	Measure	Building Vintage		
		Pre-1978	1978-1991	1992-2010
E1	Lighting Measures	Mandatory		

E2	Water Heating Package	1	1	1
E3	Air Sealing	2	1	1
E4	R-38 Attic Insulation	4	2	1
E5	Duct Sealing	4	2	1
E6	New Ducts + Duct Sealing	6	4	2
E7	Windows	4	4	4
E8	R-13 Wall Insulation	6	--	--
E10	R-19 Raised Floor Insulation	10	10	--
FS1	Heat Pump Water Heater (HPWH) Replacing Gas	13	13	13
FS2	High Eff HPWH Replacing Gas	14	14	14
FS3	Heat Pump Water Heater (HPWH) Replacing Electric	5	5	5
FS4	High Eff HPWH Replacing Electric	6	6	6
FS5	Heat Pump Space Heater	18	14	12
FS6	High Eff Heat Pump Space Heater	20	15	13
FS8	Heat Pump Clothes Dryer	2	2	2
FS9	Induction Cooktop	1	1	1

PV1	Solar PV + Electric Ready Pre-Wire	14	13	13
ER1	Electric Readiness – Service Upgrade	Mandatory for certain scopes. See Table 2.		
ER2	Electric Readiness – End Uses	Mandatory for certain scopes. See Table 2.		

The following conditions also apply to Table 1B:

- (a) Unless otherwise specified, the requirements shall apply to the entire dwelling unit, not just the additional or altered portion.
- (b) Measures from the Measure Menu in Table 1B and specified in Table 2, that already exist in the home, may be counted towards compliance with these requirements, unless otherwise specified in Table 2.
- (c) Measures from the Measure Menu in Table 1B that are to be installed to satisfy requirements under the State Energy Code, Title 24, Part 6, may not be counted towards compliance with these requirements. Where these requirements conflict with other Energy Code requirements, the stricter requirements shall prevail.

Table 2: List of Measure Specifications

ID	Measure Specification
Energy Measures	
E1	<u>Lighting Measures</u> : Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install photocell controls on all exterior lighting luminaires.
E2	<u>Water Heating Package</u> : Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements. Exception: Upgraded fixtures are not required if existing fixtures have rated or measured flow rates of no more than ten percent greater than 2022

	California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
E3	<p><u>Air Sealing</u>: Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Verification shall be conducted following a prescriptive checklist that outlines which building aspects need to be addressed by the permit applicant and verified by an inspector. Compliance can also be demonstrated with blower door testing conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for 1992-2010 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.</p>
E4	<p><u>R-38 Attic Insulation</u>: Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.025 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover.</p> <p>Exception: In buildings where existing R-30 is present and existing recessed downlight luminaires are not rated for insulation contact, insulation is not required to be installed over the luminaires.</p>
E5	<p><u>Duct Sealing</u>: Air seal all space conditioning ductwork to meet the requirements of Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the Covered Project permit application date to verify the duct sealing and confirm that the requirements</p>

	<p>have been met. This measure may not be combined with the New Ducts and Duct Sealing measure in this Table.</p> <p>Exception: Buildings without ductwork or where the ducts are in conditioned space.</p>
E6	<p><u>New Ducts + Duct Sealing</u>: Replace existing space conditioning ductwork with new R-6 ducts that meet the requirements of Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Project permit application date.</p>
E7	<p><u>Windows</u>: Replace at least 50% of existing windows with high performance windows with an area-weighted average U-factor no greater than 0.30.</p>
E8	<p><u>R-13 Wall Insulation</u>: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.</p>
E10	<p><u>R-19 Floor Insulation</u>: Raised-floors shall be insulated such that the floor assembly has an assembly U-factor equal to or less than U-0.037, or shall be insulated between wood framing with insulation having an R-value equal to or greater than R-19.</p>
<p>Fuel Substitution Measures</p>	
FS1	<p><u>Heat Pump Water Heater (HPWH) Replacing Gas</u>: Replace existing natural gas water heater with a heat pump water heater.</p>
FS2	<p><u>High Efficiency Heat Pump Water Heater (HPWH) Replacing Gas</u>: Replace existing natural gas water heater with a heat pump water heater with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating.</p>
FS3	<p><u>Heat Pump Water Heater (HPWH) Replacing Electric</u>: Replace existing electric resistance water heater with a heat pump water heater.</p>

FS4	<u>High Efficiency Heat Pump Water Heater (HPWH) Replacing Electric:</u> Replace existing electric resistance water heater with heat pump water heater with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating.
FS5	<u>Heat Pump Space Heater:</u> Replace all existing gas and electric resistance primary space heating systems with an electric-only heat pump system.
FS6	<u>High Efficiency Heat Pump Space Heater:</u> Replace all existing gas and electric resistance primary space heating systems with one of the following: A. A ducted electric-only heat pump system with a SEER2 rating of 16.5 or greater, an EER2 rating of 12.48 or greater and an HSPF2 rating of 9.5 or greater; or B. A ductless mini-split heat pump system with a SEER2 rating of 14.3 or greater, an EER2 rating of 11.7 or greater and an HSPF2 rating of 7.5 or greater
FS8	<u>Heat Pump Clothes Dryer:</u> Replace all existing gas and electric resistance clothes dryers with heat pump dryers with no resistance element and cap the gas lines.
FS9	<u>Induction Cooktop:</u> Replace all existing gas and electric resistance stove tops with inductive stove tops and cap the gas lines.
Solar PV and Electric Readiness Measures	
PV1	<u>Solar PV+ Electric Ready Pre-Wire:</u> For New Solar PV Systems: Install a new solar PV system that meets the requirements of Section 150.1(c)14. In addition, upgrade the panelboard to meet the requirements of ER1 and install any two of the other measures from ER2.A - ER2.F. For Existing PV Systems: If the home already has an existing solar PV system that meets the requirements of Section 150.1(c)14, to claim credit for this measure, PV1, upgrade the panelboard to meet the requirements of ER1 and install any two of the other measures from ER2.A - ER2.F.
ER1	<u>Electric Readiness - Service Upgrade:</u> Upgrade the panelboard serving the individual dwelling unit to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes

	<p>dryer with the capacities specified in Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel.</p>
<p>ER2</p>	<p><u>Electric Readiness Measures - End Uses:</u></p> <p>For any covered project, if the service panel is being upgraded or to claim the Solar PV + Electric Ready Pre-Wire credit, satisfy any two of the electric-readiness measures below.</p> <p>If the kitchen is being remodeled, make the range electric ready as specified in ER2, Item C below and upgrade the panelboard as specified under ER1.</p> <p>If the laundry room is being remodeled, make the dryer electric ready as specified in Item D below and upgrade the panelboard as specified under ER1.</p> <p>Meet the requirements below, that otherwise apply to newly constructed buildings:</p> <ul style="list-style-type: none"> A. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1. B. Heat Pump Space Heater Ready, as specified in Section 150.0(t). C. Electric Cooktop Ready, as specified in Section 150.0(u). D. Electric Clothes Dryer Ready, as specified in Section 150.0(v). E. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s). F. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to new construction. <p>Exception: If an electrical permit is not otherwise required for the project other than compliance with the laundry room and kitchen remodel requirements of this Item, ER2.</p>

15.08.030 Violation - Penalty

- (a) Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.
- (b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to

administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code or any other penalties set forth in Chapter 1.04 of this code.

15.08.040 No Mandatory Duty

By adoption of this chapter the town council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of "shall," "will," "must," or similar terms within this chapter.

Section 4: Amendment to Chapter 15.13 of the Municipal Code

Chapter 15.13 of the Corte Madera Municipal Code is hereby repealed in its entirety and a new Chapter 15.13 is enacted to read as follows:

Chapter 15.13 - GREEN BUILDING STANDARDS CODE

Sections:

15.13.010 Adoption by Reference

15.13.020 Amendment - Section 4.106.4

15.13.030 Violation - Penalty

15.13.040 No Mandatory Duty

15.13.010 Adoption by Reference

The 2022 California Green Building Standards Code, known as Title 24, Part 11 of the California Code of Regulations, including all appendices, is hereby adopted by reference with amendments as set forth in this chapter.

15.13.020 Amendment - Section 4.106.4

Section 4.106.4, Electric Vehicle (EV) Charging for New Construction, is amended as follows:

Subsection 4.106.4.1 is deleted and replaced in its entirety to read as follows:

4.106.4.1 One- and two-family dwellings and townhouses with attached private garages.

4.106.4.1.1 New construction. For each dwelling unit, install a 40 ampere, 208/240 volt dedicated EV branch circuit, capable of supporting Level 2 EVSE, terminating with a receptacle or an EV charger in close proximity to the vehicle charging area.

4.106.4.1.2 Additions and alterations to existing buildings. If the project is upgrading the main electrical service panel, comply with the requirements of 4.106.4.1.1.

Subsection 4.106.4.2.2 item 1(b) is amended to read as follows (other items remain unchanged):

b. Multifamily parking facilities. Eighty-five (85) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. EV charging receptacles required by this section shall be located in at least one assigned parking space per dwelling unit where assigned parking is provided but need not exceed eighty-five (85) percent of total number of assigned parking spaces provided on site.

Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical-access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.

Subsection 4.106.4.2.2 item 2(b) is amended to read as follows (other items remain unchanged):

b. Multifamily parking facilities. Fifteen (15) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers. At least fifty (50) percent of the required EV chargers shall be equipped with J1772 connectors. Where common use parking or unassigned parking is provided, EV chargers shall be located in common use or unassigned parking areas and shall be available for use by all residents or guests.

Where low power Level 2 EV charging receptacles or Level 2 EV chargers are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EV chargers shall have a capacity of not less than 30 amperes.

Subsection 4.106.4.3 is deleted and replaced in its entirety to read as follows:

4.106.4.3 Electric vehicle charging for additions and alterations of existing multifamily buildings, hotels, and motels.

When new parking spaces are added, or when electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, or when additions or alterations to existing buildings upgrade the service panel, or when the

parking lot surface is modified, including the removal of paving material and curbing, the project shall comply with the requirements below:

1. Where new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, twenty (20) percent of the total number of parking spaces added or altered electrical systems shall be EV capable spaces to support future Level 2 electric vehicle supply equipment. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE.” In addition, Level 2 EVCS or Direct Current Fast Charging EVSE shall be installed to five (5) percent of added or altered parking spaces.

Exception: Where existing electrical service will not be upgraded in the existing project scope, at least ten (10) percent of the total number of added parking spaces shall be EV capable spaces to support future Level 2 electric vehicle supply equipment, and EVSEs shall not be required.

2. If the service panel is modified, the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), shall have sufficient capacity to simultaneously charge twenty (20) percent of onsite parking spaces to be Level 2 EV Ready.
3. Where the parking lot surface is modified by removal of previously existing paving material and curbing, twenty (20) percent of exposed parking spaces shall be EV capable spaces to support future Level 2 electric vehicle supply equipment. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE.” In addition, Level 2 EVCS or Direct Current Fast Charging EVSE shall be installed to five (5) percent of exposed parking spaces.

Exceptions:

- a. Where existing electrical service will not be upgraded in the existing project scope, designate available capacity for parking spaces to the maximum extent that does not require an upgrade to existing electrical service.
- b. Emergency repairs, including but not limited to water line break in parking facilities, natural disaster repairs, etc.

15.13.030 Violation—Penalty

(a) Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code or any other penalties set forth in Chapter 1.04 of this code.

15.13.040 No Mandatory Duty

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of "shall," "will," "must," or similar terms within this section.

Section 5. Findings Pursuant to Health and Safety Code

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify the building standards found in the California Building Standards Code based on local climatic, geological or topographical conditions. Therefore, the Corte Madera Town Council hereby finds that these changes or modifications to the California Building Standards Code, as set forth in this ordinance, are reasonably necessary because of the following local climatic, geological, and topographical conditions:

I. Climatic conditions:

- a. Most of the annual rainfall in Corte Madera occurs during the winter months and it typically receives little or no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. Summer conditions of little or no rainfall, low humidity, and high temperatures eliminate most of the moisture in the natural vegetation and create extremely hazardous conditions, affecting the acceleration, intensity, and size of fire in the community. Southerly exposed slopes and open fields become dry with seasonal grasses, which present a fuel for the rapid spread of fire. The northerly slopes are more heavily wooded and present a moderate to heavy fuel load with respect to fire danger. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional offshore hot, dry, Santa Ana type winds; all of which contribute to an elevated fire hazard and risk of spread between buildings in close proximity to one another and wildland areas.
- b. Most of the annual rainfall in Corte Madera occurs during the winter, and some portions of the Town are subject to tidal influences, both of which contribute to flooding impacts in low-lying areas. Extreme weather conditions resulting from climate change may result in sudden, prolonged rainfall leading to further flooding events.

- c. Climate change, due to emissions of greenhouse gases, has increased average air temperatures in Marin County by 2.3°F from 1985 to 2018, resulting in more intense and frequent heat waves, more intense and frequent drought, more severe storms and extreme weather events and more severe and frequent wildfires. Average maximum mean temperature in Corte Madera is expected to rise between 4°F and 8°F by 2100, significantly exacerbating these hazards.
- II. Geologic conditions:
- a. Portions of the Town are located on bay alluvial soils which are subject to subsidence on an ongoing basis, increasing the relative rate of sea level rise in shoreline neighborhoods and the flood risk faced in these areas.
- III. Topographic conditions:
- a. Portions of Corte Madera are located in hilly areas, where heavily landscaped residential areas are adjacent to open space areas with dry vegetation and limited access. In addition, the steepness of grades located in the hills and canyons results in narrow, winding roads and limited water supply, making timely access, rescue, and firefighting activities by emergency providers difficult.
 - b. A large portion of the Town is low-lying and within the Federal Emergency Management Agency (FEMA) 100-year Flood Hazard Zone, which is used to designate areas with a 1% annual chance of flooding.
 - c. The major arterial route between San Francisco and Marin and Sonoma County areas, Highway 101, is the primary access into and out of Marin County. Should that highway become impassable, diversion of traffic onto alternative routes via surface streets in Corte Madera may cause heavy traffic congestion, further limiting emergency access.

As described above, the Town is uniquely exposed to multiple hazards and conditions which exacerbate the impacts of these hazards on residents. The amendments included in this ordinance are reasonably necessary to reduce greenhouse gas emissions that contribute to climate change and heighten risks of these hazards existing in Town, including wildfire, sea level rise, and flooding, and the related health and safety hazards that they present.

Specifically, the modified building standards above correspond to the following climatic, geological, or topographical condition(s) which necessitates the modification:

	Climatic, geological and topographical conditions
CEC Section Number	
100.0	Ia, Ib, Ic, IIa, IIIa, IIIb, IIIc
100.1(b)	Ia, Ib, Ic, IIa, IIIa, IIIb, IIIc
150.0	Ia, Ib, Ic, IIa, IIIa, IIIb, IIIc
CALGreen Section Number	
4.106.4	Ia, Ib, Ic, IIa, IIIa, IIIb, IIIc

Further, Public Resources Code (PRC) Section 25402.1(h)(2) allows more stringent local amendments to the energy efficiency and conservation provisions in the California Energy Code, Title 24, Part 6. Therefore, the Corte Madera Town Council hereby finds that these changes or modifications to the California Energy Code, as set forth in this ordinance, are cost-effective and more restrictive than the California Energy Code. Such findings have been adopted at a public meeting.

Section 6: Severability

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases, and the remaining portions of this ordinance shall continue in full force and effect unless amended or modified by the Town.

Section 7: Ongoing Actions for Violations

The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

Section 8: Effective Date

This ordinance shall go into effect thirty (30) days from its adoption, provided that the additional energy efficiency requirements of this ordinance cannot be enforced by the Town until they have been approved by the California Energy Commission (Public Resources Code Section 25402.1(h)(2)).

Section 9: Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those Town Council members voting for and against the Ordinance and the Town Clerk shall post in the office of the Town Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

INTRODUCED AT A PUBLIC HEARING at a regular meeting of the Corte Madera Town Council on _____, 2024 and adopted at a regular meeting of the Corte Madera Town Council on _____, 2024 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

APPROVED:

Eli H. Beckman, Mayor

ATTEST:

Lorena Barrera, Town Clerk