

ORDINANCE NO. _____

OF THE CITY COUNCIL OF THE TOWN OF COLMA

**AN ORDINANCE AMENDING COLMA MUNICIPAL CODE SUBCHAPTER 5.04 TO
EXCEED THE MINIMUM BUILDING CODE STANDARDS FOR BUILDING
ELECTRIFICATION AND EV CHARGING INFRASTRUCTURE**

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. FINDINGS, PURPOSE AND AUTHORITY

The City Council of the Town of Colma finds:

(a) Pursuant to Government Code Section 50022.1 *et seq.*, the Town may adopt by reference the California Building Standards Code, 2019 Edition as provided in Title 24 of the California Code of Regulations.

(b) The City Council adopted an ordinance amending Chapter 5, Subchapter 4 of the Town of Colma Municipal Code, adopting by reference the 2019 edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Energy Code, the 2019 California Green Building Standards Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code and the 2019 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 2018 International Property Maintenance Code, together with certain additions, amendments and deletions, on January 8, 2020.

(c) The City Council wishes to further amend portions of the 2019 California Energy Code and 2019 California Green Building Code to reduce greenhouse gas emissions.

(d) The following local climatic, geographic or topographical conditions make it necessary to amend the Codes for all amendments of the California Energy Code and California Green Building Standards Code set forth below:

(1) Energy efficient buildings promote public health and welfare by reducing carbon emissions and providing for more sustainable buildings.

(2) Sea level rise as a result of global warming poses a threat to regional transportation and wastewater infrastructure situated adjacent to the San Francisco Bay and building electrification combined with low carbon power generation will reduce greenhouse gas emissions, which contribute to global warming.

(3) The Town adopted a Climate Action Plan, which includes the goal of reducing carbon emissions from fossil fuels to help curb global warming. Methods include increasing building efficiency, conservation and substituting renewable energy for fossil fuel energy sources.

(e) The changes and modifications made to the Codes are reasonably necessary due to local climactic conditions as set forth in this Ordinance pursuant to California Health & Safety Code Section 17958, 17958.5, 17958.7 and 18941.5.

(f) Pursuant to Public Resources Code Section 25402.1(h)(2), Section 10-106 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, and the California Energy Commission's submission and approval process, the City Council also finds that the amendments to the 2019 California Energy Code will save energy and are cost-effective within the Town.

(g) The City Council affirms that such modifications will result in designs that consume no more energy than that permitted under the 2019 California Energy Code.

(h) The Town published notice of a public hearing pursuant to California Government Code Section 6066.

(i) The Town held a public hearing on February 24, 2021, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein.

(j) At least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

(k) Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

ARTICLE 2. SUBCHAPTER 5.04 AMENDED

Sections 5.04.120 and 5.04.160 of subchapter 5.04 of the Colma Municipal Code are hereby repealed and restated in their entirety to read as provided herein. All other sections remain unchanged.

ARTICLE 3. SUBCHAPTER 5.04, DIVISION 2 – COLMA BUILDING CODES

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 2 – Colma Building Codes."

Division 2: Colma Building Codes

5.04.120 Colma Energy Conservation Code

(a) The 2019 Edition of the California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Energy Conservation Code.

(b) Section 100.0(e)(2)(A) "Scope" of the California Energy Code is amended to state as follows:

Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a)

2. Newly constructed buildings.

A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D, or E, as applicable and shall be an All-Electric Building as defined in Section 100.1(b).

Exception: Natural gas appliances may be used if the natural gas appliance locations are also wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately for each appliance with a minimum 30 amperage requirement (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors.
2. Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric Appliance" and be electrically isolated.
3. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range").
4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

(c) Section 100.1(b) "Definitions" of the California Energy Code is amended by adding the following definitions to read as follows:

All-Electric Building or All-Electric Design: A building or building design that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

(d) The first paragraph in Section 110.2 "Mandatory Requirements for Space-Conditioning Equipment" of the California Energy Code is amended to state as follows:

110.2 Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of 100(e)(2)(A), may be installed

only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

(e) The first paragraph of subsection (a) in Section 110.3 "Mandatory Requirements for Service Water-Heating Systems and Equipment" of the California Energy Code is amended to state as follows:

110.3 Certification by Manufacturers. Any service water-heating system or equipment listed in this section, meeting the requirements of 100(e)(2)(A), may be installed only if the manufacturer has certified to the Commission that the system or equipment complies with all the applicable requirements of this subsection for that system or equipment.

(f) The first paragraph of subsection (a) in Section 110.4 "Mandatory Requirements for Pool and Spa Systems and Equipment" of the California Energy Code is amended to state as follows:

110.4 Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of 100(e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment has all of the following:

(g) The first paragraph in Section 110.5 "Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited" of the California Energy Code is amended to state as follows:

110.5 Any natural gas system or equipment, meeting the requirements of 100(e)(2)(A), listed below may be installed only if it does not have a continuously burning pilot light:

(h) The title of Section 110.10 "Mandatory Requirements for Solar Ready Buildings" of the California Energy Code is amended to Section 110.10 "Mandatory Requirements for Solar Ready Buildings and Solar Panel System Requirements for New Buildings."

(i) Item 4 of Section 110.10(a) "Covered occupancies" of the California Energy Code is amended to state as follows:

4. Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Sections 110.10(b) through 110.10(d) and 110.10(f).

(j) Section 110.10(f) "Mandatory Solar Installations" is added to the California Energy Code to state as follows:

Section 110.10(f) Mandatory Solar Installations. Solar Photovoltaic Systems shall be installed as follows:

1. New non-residential buildings with less than 10,000 square feet of gross floor area shall provide a minimum of a 3-kilowatt photovoltaic system.

2. New Non-residential buildings greater than or equal to 10,000 square feet of gross floor area shall provide a minimum of a 5-kilowatt photovoltaic system.

Exception: As an alternative to a photovoltaic system, all non-residential buildings may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet.

5.04.160 Colma Green Building Standards Code

(a) The 2019 Edition of the California Green Building Standards Code, contained in Part 11 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Green Building Standards Code.

(b) Section 202 "Definitions" of the California Green Building Standards Code is amended by adding the following definitions to read as follows:

Level 1 EV Ready Space: A parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

Level 2 EV Ready Space: A parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

Electric Vehicle Charging Station (EVCS): A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

(c) Section 4.106.4.1 through Section 4.106.4.1.1 of the California Green Building Standards Code is amended to state as follows:

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a Level 2 EV Ready Space and Level 1 EV Ready Space.

Exception: For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

4.106.4.1.1 Identification. The raceway termination location shall be permanently and visibly marked as "Level 2-EV Ready."

(d) Section 4.106.4.2 "New Multifamily Dwellings" of the California Green Building Standards Code is amended to state as follows:

4.106.4.2 New multifamily dwellings. If residential parking is available, 15% of dwelling unit parking spaces shall be Level 2 EV Ready Spaces. Calculations for the required number of spaces shall be rounded up to the nearest whole number.

Exception: For multifamily housing projects with 50% or greater affordable housing units, 10% of dwelling unit parking spaces shall be Level 2 EV Ready Spaces.

Notes:

1. Load balancing systems may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum required. Load balancing does not allow installing less electrical panel capacity than would be required without load balancing.

2. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.

3. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.

4. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with Level 1 or Level 2 EV Ready Spaces.

(e) The first paragraph in Section 5.106.5.3.1 "Single charging space requirements" of the California Green Building Standards Code is amended to state as follows:

5.106.5.3.1 Single charging space requirements. When only a single charging space is required per Table 5.106.5.3.3, a Level 2 EV Ready Space is required at the time of construction and be installed in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to the following:

(f) The first paragraph in Section 5.106.5.3.2 "Multiple charging space requirements" of the California Green Building Standards Code is amended to state as follows:

When multiple charging spaces are required per Table 5.106.5.3.3, a minimum of one a Level 2 EV Ready Space is required to be installed at the time of construction. Raceway(s) is/are required to be installed for all remaining parking spaces. A Level 2 EV Ready Space and raceway(s) shall be installed in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to the following:

(g) Section 5.106.5.3.4 "Identification" of the California Green Building Standards Code is amended as follows:

The raceway termination location shall be permanently and visibly marked as "EV Ready."

(h) Section 4.408 "Construction Waste Reduction, Disposal and Recycling" of the California Green Building Standards Code is amended by deleting Sections 4.408.1 through 4.408.5 and adding a new Section 4.408.1 to state as follows:

4.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(i) Section 5.408 "Construction Waste Reduction, Disposal and Recycling" of the California Green Building Standards Code is amended by deleting Sections 5.408.1 through 5.408.1.4 and adding a new Section 5.408.1 to state as follows:

5.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

ARTICLE 4. FILING OF ORDINANCE

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission and the California Energy Commission of the State of California.

ARTICLE 5. LIABILITY

The provisions of the Colma Building Codes shall not be construed as imposing upon the Town of Colma any liability or responsibility for damage to persons or property resulting from defective work, nor shall the Town of Colma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of the Colma Building Codes of any permits or certificates issued under the Codes.

ARTICLE 6. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

ARTICLE 7. CEQA COMPLIANCE

The adoption of the ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have

no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

ARTICLE 8. PUBLICATION

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within fifteen (15) days of its passage.

ARTICLE 9. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following its adoption by the City Council. Notwithstanding the foregoing, those provisions requiring approval by the California Energy Commission shall take effect upon the granting of such approval.

Certification of Adoption

I certify that the foregoing Ordinance No.____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on February 24, 2021, and adopted at a regular meeting of the City Council of the Town of Colma held on February 24, 2021, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fisicaro					
Raquel Gonzalez					
Joanne F. del Rosario					
John Irish Goodwin					
<i>Voting Tally</i>					

Dated: _____

John Irish Goodwin, Mayor

Attest: _____
Caitlin Corley, City Clerk