

15.11.020 - 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.

15.11.030 – 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 9. Repeal and Reenactment of Chapter 15.13 of the Municipal Code.

Chapter 15.13 of the Corte Madera Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 15.13

GREEN BUILDING STANDARDS CODE

Sections:

15.13.010	Adoption by Reference
15.13.020	Amendment – Section 202 of Chapter 2
15.13.030	Amendment - Section 4.106.4
15.13.040	Amendment – Section 5.106.5.3
15.13.050	Violation – Penalty
15.13.060	No Mandatory Duty

15.13.010 - Adoption by reference.

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

15.13.020 – Amendment – Section 202 of Chapter 2.

Section 202 Definitions is added as follows.

Automatic Load Management System (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

Direct Current Fast Charging (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- (a) A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- (b) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

Electric Vehicle Charging Station (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces. A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

Electric Vehicle (EV) Ready Space. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

Electric Vehicle (EV) Capable Space. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

Level 2 (L2) EV Capable. A parking space provided with electrical infrastructure that meets the following requirements:

- (a) Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- (b) The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future

completion of conduit from the panel to the parking space, via the installed inaccessible conduit.

(c) The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”

(d) Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

(e) The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

Level 1 (L1) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.

(b) A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

(c) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.

(b) A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

Low Power Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.

(b) A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

(c) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Off-Street Loading Spaces. [BSC-CG, DSA-SS] An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

15.13.030 - Amendment - Section 4.106.4.

Section 4.106.4, Electric Vehicle (EV) Charging for New Construction, is deleted and replaced in its entirety to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Section 4.106.4.1 or 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
 - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.
3. Building projects that have approved entitlements before the code effective date.
4. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

4.106.4.1 New one- and two-family dwellings and town-houses with private garages. For each dwelling unit, a dedicated 208/240-volt branch circuit shall be installed in the raceway required by Section 4.106.4.1. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum. Other electrical components, including a receptacle or blank cover, related to this section shall be installed in accordance with the California Electrical Code.

4.106.4.2 New multifamily dwellings, and new residential parking facilities. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet

the requirements of Sections 4.106.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standards automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code Section 22511.2 for further details. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

4.106.4.2.1 Multifamily development projects. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Notes:

- a. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.
- b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

4.106.4.2.2 Hotels and motels.

The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty-five percent (35%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

Notes:

- a. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.
- b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

4.106.4.2.2.1 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2. 1 and 4.106.4.2, shall comply with Section 4.106.4.2.2.1.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.

4.106.4.2.2.1.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.2.1.1 and Section 4.106.4.2.2.1.2, Item 3.

4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
4. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

4.106.4.2.2.1.3 Accessible EV spaces.

In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.1.2, all EVSE, when installed shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

4.106.4.3 Direct current fast charging stations (DCFC).

One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.2.1 and 4.106.4.2.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

15.13.040 – Amendment – Section 4.106.5.3.

Section 4.106.5.3, Electric Vehicle (EV) Charging, is repealed and replaced to read as

follows:

5.106.5.3 Electric vehicle (EV) charging.

[N] Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 A5.106.5.3.1 or A5.106.5.3.2 and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - a. Where there is no local utility power supply
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.
3. Building projects that have approved entitlements before the code effective date.
4. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

15.13.050 - 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.

15.13.060 – 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 10. Repeal and Reenactment of Chapter 15.15 of the Municipal Code.

Chapter 15.15 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.15

REFERENCED STANDARDS CODE

Sections:

15.15.010	Adoption by Reference
15.15.020	Violation – Penalty
15.15.030	No Mandatory Duty

15.15.010 - Adoption by reference.

The 2022 California Referenced Standards Code, known as Part 12, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.15.020 - 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.

15.15.030 – 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 11. Repeal and Reenactment of Chapter 15.17 of the Municipal Code.

Chapter 15.17 of the Corte Madera Municipal Code is hereby repealed and reenacted to Title 15

to read as follows:

Chapter 15.17

ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

Sections:

15.17.010	Adoption by Reference.
15.17.020	Amendment – Section 102.6
15.17.030	Deletion – Section 201.3
15.17.040	Deletion – Section 301
15.17.050	Deletion – Section 303
15.17.060	Amendment – Section 404.2
15.17.070	Amendment – Section 901.5
15.17.080	Addition – Section 901.7
15.17.090	Addition – Section 901.8
15.17.100	Addition – Section 901.9
15.17.110	Amendment – Section 1101.1
15.17.120	Amendment – Section 1101.2
15.17.130	Addition – Section 1101.3
15.17.140	Deletion – Section 1102
15.17.150	Deletion – Section 1103
15.17.160	Deletion – Chapter 12
15.17.170	Deletion – Chapter 13
15.17.180	Violation – Penalty

15.17.010 - Adoption by reference.

The 2006 International Code Council Electrical Code Administrative Provisions is hereby adopted by reference as though fully set forth in this chapter except as modified by the following sections of this chapter.

15.17.020 - Amendment – Section 102.6.

Section 102.6, Referenced Codes and Standards, is repealed and replaced to read as follows:

102.6 Referenced codes and standards. Where differences occur between provisions of the California Electrical Code and referenced codes or standards, the provisions of the California Electrical Code shall apply. Where enforcement of a code provision would conflict with the conditions of the listing of approved equipment or appliances, the conditions of the listing and manufacturer's instructions shall apply.

15.17.030 - Deletion – Section 201.3.

Section 201.3, Terms Defined in Other Codes, is repealed in its entirety.

15.17.040 - Deletion – Section 301.

Section 301, Department of Electrical Inspection, is repealed in its entirety.

15.17.050 - Deletion – Section 303.

Section 303, Certificate of Occupancy, is repealed in its entirety.

15.17.060 - Amendment – Section 404.2.

Section 404.2, Schedule of Permit Fees, is repealed and replaced to read as follows:

404.2 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.17.070 - Amendment – Section 901.5.

Section 901.5, Notice, is repealed and replaced to read as follows:

901.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.17.080 - Addition – Chapter 1, Section 901.7.

Section 901.7, Restoration, is added as follows:

901.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.17.090 - Addition – Section 901.8.

Section 901.8, Nuisance Proceedings, is added as follows:

901.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte

Madera Municipal Code.

15.17.100 - Addition – Section 901.9.

Section 901.9, Staying of Order, is added as follows:

901.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 901.6.

15.17.110 - Amendment – Section 1101.1.

Section 1101.1, General, is repealed and replaced to read as follows:

1101.1 General. The building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code.

15.17.120 - Amendment – Section 1101.2.

Section 1101.2, Limitations on Authority, is repealed and replaced to read as follows:

1101.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

15.17.130 - Addition – Section 1101.3.

Section 1101.3, Appeals, is added as follows:

1101.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.05 of the Corte Madera Municipal Code, may appeal the issue for resolution to the building code appeals board.

15.17.140 - Deletion – Section 1102.

Section 1102, Membership, is repealed in its entirety.

15.17.150 - Deletion – Section 1103.

Section 1103, Procedures, is repealed in its entirety.

15.17.160 - Deletion – Chapter 12.

Chapter 12, Electrical Provisions, is repealed in its entirety.

15.17.170 - Deletion – Chapter 13.

Chapter 13, Referenced Standards, is repealed in its entirety.

15.17.180 - 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.

15.17.190 – 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 12. Repeal and Reenactment of Chapter 15.19 of the Municipal Code.

Chapter 15.19 of Title 15 of the Corte Madera Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 15.19

SEVERABILITY

Sections:

15.19.010 Severability

15.19.010 - Severability.

If any section, subsection, phrase or clause of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 is for any reason held to be unconstitutional, such

decision shall not affect the validity of the remaining portions of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17.

The Town Council declares that it would have passed the ordinance codified in Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

Section 13. Addition of Chapter 15.25 of the Municipal Code.

Chapter 15.25 of the Corte Madera Municipal Code is hereby added to Title 15 to read as follows:

Chapter 15.25

ALL-ELECTRIC CONSTRUCTION IN NEWLY CONSTRUCTED BUILDINGS

Sections:

15.25.010	Purpose.
15.25.020	Applicability.
15.25.030	Definitions.
15.25.040	Requirements for All-Electric Construction in Newly Constructed Buildings.
15.25.050	Exemptions.
15.25.060	Appeals.
15.25.070	Objective Standard.
15.25.080	Periodic Review.

15.25.010 – Purpose.

(a) The purpose of this chapter is to reduce the use and distribution of natural gas in newly constructed buildings to reduce the emission of greenhouse gases which contribute to climate change and to improve safety in occupancy of buildings by eliminating natural gas combustion and leakage which creates indoor air pollutants shown to exacerbate asthma and other health conditions.

(b) The requirements of this chapter are reasonably necessary to address local climatic, geologic, environmental and/or topographic conditions that affect the health, safety, and welfare of residents, including flooding, sea level rise, wildfire risk, and seismic risk.

15.25.020 – Applicability.

(a) The provisions of this chapter shall apply to all building permit applications submitted on or after the effective date of this chapter for all Newly Constructed Buildings, unless exempt under the provisions of section 15.25.050. This chapter shall not apply to portable appliances used for outdoor cooking and heating.

(b) This chapter shall in no way be construed as amending the Energy Code requirements under Title 24 of the California Code of Regulations Part 6 or Part 1, nor as requiring the use or installation of any specific appliance or system.

15.25.030 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) “All-electric building” means a building that uses a permanent supply of electricity as the source of energy for space heating (including but not limited to fireplaces), water heating (including but not limited to pools and spas), cooking appliances (including but not limited to barbeques), clothing drying appliances, that has no natural gas or propane plumbing installed in the building or within the property lines. An all-electric building may also include solar thermal collectors.

(b) “Commercial kitchen” means a non-retail food facility devoted to the commercial preparation, production, and cooking of food and beverages for on-site or off-site consumption.

(c) “Cooking equipment” means equipment intended for commercial use, including ovens, ranges, and cooking appliances for use in a commercial kitchen, restaurant, or other business establishment where food is dispensed.

(d) “Energy Code” means the California Energy Code as adopted in the Corte Madera Municipal Code Chapter 15.08.

(e) “Food service establishment” means any newly constructed building with construction plans for a commercial kitchen or cooking equipment.

(f) “Natural gas” means the same as “fuel gas” as defined in the California Plumbing Code and Mechanical Code.

(g) “Natural gas infrastructure” means fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of a premises, extending from the point of delivery at the meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as specified in the California Mechanical Code and Plumbing Code.

(h) “Newly constructed building” means a building that has never been used or occupied for any purpose.

15.25.040 Requirements for All-Electric Construction in Newly Constructed Buildings.

All newly constructed buildings shall satisfy the definition of an all-electric building.

15.25.050 Exemptions.

(a) The following are exempt from the requirements of this chapter:

(1) Emergency electrical generation back-up power equipment for essential services and multifamily buildings;

(2) The use of portable propane appliances outside of the building envelope such as for

outdoor cooking, refrigeration, and outdoor heating appliances;

- (3) The use of natural gas infrastructure for equipment requiring industrial process heat;
- (4) Food service establishments as defined herein;
- (5) New accessory dwelling units or junior accessory dwelling units that are attached or wholly within an existing mixed-fuel residential building may utilize existing natural gas facilities or infrastructure; and
- (6) Development projects that have obtained vested rights prior to the effective date of this chapter pursuant to a preliminary affordable housing project application in accordance with Government Code section 65589.5(o), a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or pursuant to the ruling in *Avco Community Developers Inc. v. South Coast Regional Communication* (1976) 17 Cal.3d 785, or pursuant to other applicable statutory or case law.

(b) The building official may allow natural gas infrastructure in a newly constructed residential building where:

- (1) The applicant establishes the building is not able to achieve the performance compliance standard under the Energy Code using commercially available technology or there is not an all-electric prescriptive compliance pathway under the Energy Code;
- (2) The applicant establishes that there is an equivalent greenhouse gas reduction to that of all-electric construction; or
- (3) The applicant for a residential project where all proposed units are deed-restricted affordable housing units for persons and/or families of low or moderate income, as defined in Section 50093 of the State Health and Safety Code establishes that the cost of achieving compliance is disproportionate to the overall cost of the project and renders the project or the level of proposed affordability infeasible.

(c) For all exemptions hereunder, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation as approved by the building official.

15.25.060 Appeals.

Any decision made by the building official under this chapter may be appealed to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.. Appeals shall be made , in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the Clerk not later than 5:00 p.m on the tenth calendar day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the applicable filing fee as specified by resolution adopted by the Town Council.

15.25.070 Objective Standard.

The requirements of this chapter shall be determined to constitute “objective standards” under current and future State housing law including but not limited to Government Code sections 65913.4, 65589.5 and 756852.21.

15.27.080 Periodic Review.

The building official shall review the requirements of this chapter every eighteen months for consistency with the California Energy Code and the Energy Commission’s mid-cycle amendments and triennial code adoption cycle as applicable.

Section 14. Compliance with the California Environmental Quality Act (“CEQA”)

The Town Council finds, pursuant to 14 C.C.R. section 15378(b)(5), adoption of this ordinance is not project subject to CEQA because it is an administrative governmental activity that will not cause a direct or indirect physical change in the environment. The Town Council also finds that, pursuant to 14 C.C.R. section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from CEQA because it can be seen with certainty that the provisions contained in the Ordinance would have no significant on the environment. The Town Council further finds that the Ordinance is categorically exempt from CEQA under 14 C.C.R. sections 15307 an 15308 as action taken by a regulatory agency to protect the environment and natural resources.

Section 15. Effective Date.

This ordinance shall become effective on January 1, 2023.

Section 16. 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 and within 15 days after passage.

Section 17. Findings of Fact in support of the code amendments detailed above.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the Corte Madera Town Council hereby finds that these changes or modifications to the 2022 California Building Code as adopted in Chapter 15.01 of the Corte Madera Municipal Code; the 2022 California Residential Code as adopted in Chapter 15.03 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. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. 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.

- b) Most of the annual rainfall in Corte Madera occurs during the winter, and some portions of the Town are subject to tidal influences, there are times that flooding conditions occur in low-lying areas.
- c) During the summer months, the 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. These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions. Furthermore, winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another and wildland areas.
- d) The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the Town, thus rendering such separations ineffective against the spread of fires and safe egress. Natural growth, which is highly flammable during the drier months of the year, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires.
- e) Climate change, due to emissions of greenhouse gases, has increased average annual air temperatures in California by 1.8°F since 1985, 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) Corte Madera lies near several earthquake faults, including the very active San Andreas Fault and Hayward Fault. There are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance. The Town of Corte Madera lies within the recognized seismic zone #4, which is the most dangerous zone.
- b) Many areas of the Town are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

- a) Portions of Corte Madera are located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply, making timely access, rescue and firefighting activities by emergency providers difficult.

- b) 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.

Specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

CBC Section Numbers Climatic, geological and topographical condition

105.2	Ia, IIa, IIIa
1505	Ia, Ic, Id, IIIa
1807	Ib, IIa, IIb

CRC Section Numbers

R105	Ia, IIa, IIIa
R902	Ia, Ic, Id, IIa, IIIa

CalGreen Chapter Numbers

Chapter 4	Ie
Chapter 5	Ie

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the Corte Madera Town Council held on the 1st day of November, 2022; and adopted on the 15th day of November, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Fred Casissa, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk