

ORDINANCE NO. 602 N.S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDMENT PROVISIONS OF TITLE IV, CHAPTER 13 OF THE TIBURON MUNICIPAL CODE BY ADOPTING AMENDMENTS TO THE 2022 CALIFORNIA BUILDING STANDARDS CODE

The Town Council of the Town of Tiburon does ordain as follows:

Section 1. Findings.

- A. The Town Council held a public hearing on April 19, 2023, and has heard and considered any and all public testimony on this matter to introduce the proposed ordinance.
- B. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- C. The Town Council finds that the amendments made by this Ordinance are necessary for the protection of the public health, safety, and welfare.
- D. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan, Draft General Plan 2040 and Actions RE-C3 (Building and Appliance Electrification) and LCT-C1 (Zero Emission Vehicles) of the adopted Tiburon Climate Action Plan 2030.
- E. The Town Council finds that the adoption of this Ordinance is ministerially exempt from the requirements of CEQA and is also exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 2. Amendments to Chapter 13, Article II.

Tiburon Municipal Code Title IV, Chapter 13, Article II (Technical Codes) is hereby amended to read as follows:

13-4.3.1 Amendments made to the 2022 California Plumbing Code.

The 2022 California Plumbing Code is amended as follows:

- (a) Section 1.8.5.1 is amended to modify the first paragraph to read as follows:

Section 1.8.5.1 General. Subject to the provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

- (b) Section 1.8.8.1 is amended to delete the second paragraph and add the following paragraph to the end of the section:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

- (c) Chapter 1, Division II is amended as follows:

- (1) Section 101.1 is amended to read as follows:

These regulations shall be known as the California Plumbing Code, may be cited as such, and will be referred to herein as "this code".

- (2) Section 103.1 is amended to add the following sentence at the end of the section to read as follows:

The term "AUTHORITY HAVING JURISDICTION" shall mean the Building Official or his duly authorized representative.

- (4) Section 104.3 is amended to replace the existing first paragraph to read as follows:

104.3 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged.)

- (5) Section 104.3.2 is amended to read as follows:

104.3.2 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (6) Section 104.5 is amended to read as follows:

104.5 Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (7) Section 105.2.6 is amended to replace the fourth paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (8) Section 203.0 is amended to change the following definition to read as follows:

"AUTHORITY HAVING JURISDICTION". The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

- (9) Section 1201.1 is amended to read as follows:

1201.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) for natural gas and 10 psi (69 kPa) for undiluted propane, other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA 31.

Exceptions:

1. Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation when required by the code, commercial kitchens for preparing food, commercial laundry for laundry, or in an approved industrial process.
2. Existing fuel gas and oil piping in one- and two-family dwellings may not be expanded unless overall gas use is reduced, unchanged, or is extended for the creation of an additional attached housing unit.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for creation of additional attached housing.
4. The building official may allow natural gas infrastructure in a newly constructed building in the following cases. 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.
 - i. The applicant satisfactorily demonstrates to the building official that 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 achievable under the Energy Code;
 - ii. The applicant satisfactorily demonstrates to the building official that there is an equivalent greenhouse gas reduction proposed to that of all-electric construction; or
 - iii. 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.

(Ord. No. 586 N.S., § 2, 1-15-2020; Ord. No. 600, § 2, 11-16-2022)

13-4.7.1 Amendments made to the 2022 California Mechanical Code.

The 2022 California Mechanical Code is amended as follows:

- (a) Chapter 1, Division I, Section 1.8.8.1 is amended by adding the following sentence to the end of the section thereto:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

- (b) Chapter 1, Division II is amended as follows:

Section 101.1 is amended to read as follows:

These regulations shall be known as the California Mechanical Code, may be cited as such, and will be referred to herein as "this code".

- (c) Section 104.3.2 is amended to read as follows:

104.3.2 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (d) Section 104.5 is amended to read as follows:

104.5 Fees. Any person desiring a permit required by this code shall, at the time of issuance for the permit, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (e) Section 105.2.6 is amended to replace the third paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

- (f) Section 107.1 is amended by adding the following to the end of the existing section thereto:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

- (g) Section 203.0 is amended to change the following definition as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION — The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

- (h) Section 1301.1 is amended to read as follows:

1301.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) for natural gas and 10 psi (69 kPa) for undiluted propane, other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA 31.

Exceptions:

1. Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation when required by the code, commercial kitchens for preparing food, commercial laundry for laundry, or in an approved industrial process.
2. Existing fuel gas and oil piping in one- and two-family dwellings may not be expanded unless overall gas use is reduced, unchanged, or is extended for creation of an additional attached housing unit.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for creation of additional attached housing.
4. The building official may allow natural gas infrastructure in a newly constructed building in the following cases. 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.
 - i. The applicant satisfactorily demonstrates to the building official that 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 achievable under the Energy Code;
 - ii. The applicant satisfactorily demonstrates to the building official that there is an equivalent greenhouse gas reduction proposed to that of all-electric construction; or
 - iii. 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.

(Ord. No. 586 N.S., § 2, 1-15-2020, Ord. No. 600, § 2, 11-16-2022)

13-4.9.1 Amendments made to the 2022 CALGreen Code.

The California Green Building Standards Code is amended as follows:

- (a) For new residential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A4:
 1. Division A4.1 (Planning & Design);
 2. Division A4.3 (Water Efficiency & Conservation);
 3. Division A4.4 (Material Conservation and Resource Efficiency);
 4. Division A4.5 (Environmental Quality); and
 5. Division A4.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

(b) For new nonresidential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A5:

1. Division A5.1 (Planning & Design);
2. Division A5.3 (Water Efficiency & Conservation);
3. Division A5.4 (Material Conservation and Resource Efficiency);
4. Division A5.5 (Environmental Quality); and
5. Division A5.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

(c) Section 202 of Chapter 2 is hereby amended to add, revise or delete the following definitions:

Automatic Load Management System (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE) circuits or 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:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. 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). A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVSC space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

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

- i. 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.
- ii. 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 should 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.

- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protection device spaces(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”
- iv. 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.
- v. 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:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. 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.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240, 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:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet”, or electric vehicle supply requirement 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:

- i. A minimum of 4.1 kVa (208/240 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet”, or electric vehicle supply requirement located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Low Power Level 2 Electric Vehicle (EV) Charging Receptacle is deleted.

- (d) Section 4.106.4.1 is replaced to read as follows:

4.106.4.1 New one- and two-family dwellings and town-houses. 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.

- (e) Subsection 4.106.4.1.1 is deleted in its entirety.
- (f) Section 4.106.4.2, including Subsections 4.106.4.2.1 and 4.106.4.2.2, is replaced to read as follows:

4.106.4.2 Multifamily dwellings, hotels and motels and parking facilities. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section. Requirements apply to parking spaces that are assigned or leased to individual dwelling units as well as unassigned parking. Visitor or common area parking is not included. Calculations for spaces shall be rounded up to the nearest whole number.

4.106.4.2.1 New multifamily construction.

1. **EV Ready.** Eighty-five (85) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit. Conduit size and junction boxes for EV Ready must be sized for Level 2 EVSE as in accordance with the California Electrical Code.

Exceptions:

1. Areas of parking facilities served by parking lifts.
2. When EV chargers (Level 2 EVSE) are installed in a number greater than that required, the EV Ready spaces may be reduced by the same number.
2. **EV Chargers.** Fifteen (15) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic 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 EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV Capable spaces.

4.106.4.2.2 Additions and alterations to multifamily dwellings and parking facilities. When additions or alterations to existing buildings upgrade the service panel, when the parking lot surface is modified, including the removal of paving material and curbing, or when parking spaces are added, the project shall:

1. 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.

When an ALMS is installed, the ALMS system must have sufficient capacity to deliver at least 2.2 kVa (110/120 volt), 20-ampere simultaneously to each space served by the ALMS.

2. For parking spaces being added or those where the parking lot surface is modified by removal of previously existing paving material and curbing, an electrical raceway in accordance with requirements of the California Electrical Code shall be installed for fifty (50) percent of added or exposed parking spaces or shall install electrical conduit to twenty (20) percent of added or exposed spaces and shall install EVCS or Direct Current Fast Charging EVSE for five (5) percent of added or exposed parking spaces.**4.106.4.2.3 New 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.

1. **EV Capable.** Ten (10) percent of the total number of parking spaces on the building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electric 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.

The service or subpanel circuit directory shall identify the overcurrent protection device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.

Exceptions: When EV chargers (Level 2 EVSE) or EV Ready are installed in a number greater than the minimum required, the EV capable spaces may be reduced by the same number.

2. **EV Ready.** Thirty-five (35) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. Conduit size and junction boxes for EV Ready must be sized for Level 2 EVSE as in accordance with the California Electrical Code.

Exceptions:

1. Areas of parking facilities served by parking lifts.
2. When EV chargers (Level 2 EVSE) are installed in a number greater than that required, the EV Ready spaces may be reduced by the same number.
3. **EV Chargers.** Ten (10) percent of the total number of parking spaces shall be equipped with Level 2 EVSE.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic 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 EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV Capable spaces.

4.106.4.2.4 Additions and alterations to hotels and motels and parking facilities.

When additions or alterations to existing buildings upgrade the service panel, when the parking lot surface is modified, including the removal of paving material and curbing, or when parking spaces are added, the project shall:

1. 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.

When an ALMS is installed, the ALMS system must have sufficient capacity to deliver at least 2.2 kVa (110/120 volt), 20-ampere simultaneously to each space served by the ALMS.

2. For parking spaces being added or those where the parking lot surface is modified by removal of previously existing paving material and curbing, an electrical raceway in accordance with requirements of the California Electrical Code shall be installed for fifty (50) percent of added or exposed parking spaces or shall install electrical conduit to twenty (20) percent of added or exposed spaces and shall install EVCS or Direct Current Fast Charging EVSE for five (5) percent of added or exposed parking spaces.

(g) Subsection A5.106.5.3.3 is added to Section A5.106.5.3 to read as follows:

A5.106.5.3.3 Additions and alterations to nonresidential occupancies and parking facilities. When additions or alterations to existing buildings upgrade the service panel, when the parking lot surface is modified, including the removal of paving material and curbing, or when parking spaces are added, the project shall:

1. 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.

When an ALMS is installed, the ALMS system must have sufficient capacity to deliver at least 2.2 kVa (110/120 volt), 20-ampere simultaneously to each space served by the ALMS.

2. For parking spaces being added or those where the parking lot surface is modified by removal of previously existing paving material and curbing, an electrical raceway in accordance with requirements of the California Electrical Code shall be installed for fifty (50) percent of added or exposed parking spaces or shall install electrical conduit to twenty (20) percent of added or exposed spaces and shall install EVCS or Direct Current Fast Charging EVSE for five (5) percent of added or exposed parking spaces.

(h) Subsection A5.106.5.3.4 is added to Section A5.106.5.3 to read as follows:

A5.106.5.3.4 Direct current fast charging stations. 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.

(Ord. No. 586 N.S., § 2, 1-15-2020, Ord. No. 600, § 2, 11-16-2022)

13-4.11 Amendments made to the 2022 Energy Code.

The 2022 Energy Code is amended as follows:

(a) Section 100.0 of Subchapter 1 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 additions or alterations to an existing single-family residential mixed-fuel building which equal or exceed 750 square feet of interior conditioned space.

(b) Section 100.1(b) of Subchapter 1 is modified by adding the following definitions:

“All-electric Building” or “All-electric Design” means a building or plans for a building that uses a permanent supply of electricity as the source of energy for all 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 barbecues), and clothes drying appliances, and 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.

“Mixed-fuel” means a building or unit in a building that is plumbed for the use of natural gas or propane as fuel for space heating, water heating, cooking or clothes drying appliances or has gas plumbing within a building or within the property lines of the premises connected to a gas meter or propane tank.

(c) Section 150.0 SINGLE-FAMILY RESIDENTIAL BUILDINGS – MANDATORY FEATURES AND DEVICES, first two paragraphs are modified to read as follows:

Existing single-family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150(v), and additions or alterations to an existing single-family residential building which equal or exceed 750 square feet of interior conditioned space, other than projects identified as all-electric construction for newly constructed buildings shall comply with the applicable requirements of Section 150.0(w).

NOTE: The requirements of Sections 150.0(a) through 150(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 additions or alterations to an existing single-family residential building which equal or exceed 750 square feet of interior conditioned space, other than projects identified as

all-electric construction for newly constructed buildings shall also be required to comply with Section 150.0(w).

(d) Section 150.0(w) is added to read as follows

- (w) Additions or alterations to an existing single-family residential building which equal or exceed 750 square feet of interior conditioned space that includes an electrical panel upgrade, a kitchen remodel or a laundry room remodel shall choose to incorporate a measure or a combination of measures set forth in Table 1 that add up to a minimum target score of 6 points, except as otherwise described below. Unless otherwise specified, the requirements shall apply to the entire dwelling unit, not just the additional or altered portion. Measures in Table 1 that already exist in the home upon filing of the application for building permit may be counted towards compliance with these requirements unless indicated as mandatory or otherwise specified in Table 1.
- (i) Projects that are limited solely to a newly created attached Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Unit (JADU) as defined in §16-52.100 of the Tiburon Municipal Code. A newly created ADU and JADU shall include either additions or conversions of existing space.
- (ii) Mobile Homes, 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).
- (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 of the mandatory requirements.
- (iv) If the applicant demonstrates that the Energy Budget of the proposed building, as calculated under Section 150.1(b), would be less than or equal to the Energy Budget of the building if it otherwise complied with this Section, 150.0(w).
- (v) A resident owner or occupant demonstrates that they qualify for the California Alternative Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) program may comply by installing the following measures from Table 1:
- (a) E1: Lighting Measures; and
- (b) E2: Water Heating Package

TABLE 1: Energy and Electrification Menu of Measures

| Measure (see Measure Specifications below) | Measure Score |
|--|---------------|
| <i>Energy Measures</i> | |
| E1 Lighting | Mandatory |
| E2 Water Heating Package | 1 |
| E3 Air Sealing | 1 |

| | |
|--|-----------|
| E4 R-49 Attic Insulation | 1 |
| E5 New Ducts + Duct Sealing | 2 |
| <i>Solar PV and Electric-Readiness Measures</i> | |
| ER1PV + Electric Ready Pre-Wire | 12 |
| ER2Electric Readiness Measures | Mandatory |
| <i>Fuel Substitution Measures</i> | |
| FS1 Heat Pump Water Heater | 12 |
| FS2 High Efficiency Heat Pump Water Heater | 13 |
| FS3 HVAC Heat Pump | 10 |
| FS4 High Efficiency HVAC Heat Pump | 11 |
| FS5 Heat Pump Clothes Dryer | 1 |
| FS6 Induction Cooktop | 1 |
| List of Measure Specifications: | |
| 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>: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. 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 1: Water heater blanket is not required on water heaters less than 20 gallons. Exception 2: Water heater blanket not required if application of a water heater blanket voids the warranty on the water heater. Exception 3: 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. Exception 4: Water heaters with factory installed insulation of R-24 or greater. | |
| E3 <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. 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 Buildings¹, 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.

E4 R-49 Attic Insulation: Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.020 or insulation installed at the ceiling level shall have a thermal resistance of R-49 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.

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.

E5 New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24 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 Single Family Project permit application date.

ER1 PV+ Electric Ready Pre-Wire: For New PV Systems: Install a new solar PV system that meets the requirements of 2022 Title 24 Section 150.1(c)14 and upgrade the service panel to meet the requirements of ER2.G. and install any two of the other measures from ER2.A - ER2.F.
For Existing PV Systems: If the home already has an existing PV system, to claim credit for this measure, upgrade the service panel to meet the requirements of ER2.G. and install any two of the other measures from ER2.A - ER2.F.

ER2 Electric Readiness Measures: To claim credit for Item ER1, in addition to the solar PV system installed, upgrade the panelboard to meet the requirements of Item ER2.G and install any two of the other measures ER2.A - ER2.F, below to allow for installation of electric appliances at a future date.

For any covered project, if the service panel is being upgraded, install any two of the other measures below.

If the laundry room is being remodeled, comply with Item ER2.D and upgrade the panelboard to meet the requirements of Item ER2.G.

If the kitchen is being remodeled, comply with Item ER2.C and upgrade the service panel to meet the requirements of Item ER2.G.

- 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 listed raceway for an EV charger, that meets the requirements of the California Green Building Standards Code (Title 24, Part 11) Section A4.106.8.1, Tier 1 and 2, which otherwise applies to new construction.
- G. Upgrade the panelboard serving the individual dwelling to either:
 - (i) a minimum 200 amp panel with a minimum 225 amp busbar rating to accommodate future connection of electric appliances, including heat pump water heaters, heat pump space heaters, electric cooktops, electric clothes dryers as specified in California Energy Code Section 150.0 (n), (t), (u) and (v) and Level 2 electric vehicle supply equipment; or,
 - (ii) provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel.

Exception: If an electrical permit is not otherwise required for the project other than compliance with this Item, ER2.

FS1 Heat Pump Water Heater (HPWH): Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters.

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| FS2 <u>High Efficiency Heat Pump Water Heater (HPWH):</u> Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating. |
| FS3 <u>HVAC Heat Pump:</u> Replace all existing gas space heating system and existing electric resistance heating systems with electric heat pump systems. |
| FS4 <u>High Efficiency HVAC Heat Pump:</u> Replace all existing gas space heating system and existing electric resistance heating systems with electric heat pump systems with a SEER rating of 21 or greater and an HSPF rating of 11 or greater. |
| FS5 <u>Heat Pump Clothes Dryer:</u> Replace all existing gas or electric resistance clothes dryers with heat pump dryers with no resistance element and cap the gas lines. |
| FS6 <u>Induction Cooktop:</u> Replace all existing gas and electric resistance stove tops with inductive stove tops and cap the gas lines. |

Section 3. Findings Pursuant to Health & Safety Code.

California Health and Safety Code Section 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 Town of Tiburon hereby finds that these changes or modification to the Building Code as adopted herein are reasonably necessary because of the following local climatic, geological and topographical conditions:

1. Climatic conditions:

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. According to the California Climate Change Assessment, annual average temperatures in Tiburon are expected to rise between 4.4°F and 7.2°F by 2100, significantly exacerbating these hazards. Local amendments to the municipal code establishing electrification requirements for newly constructed buildings pursuant to this ordinance are reasonably necessary to achieve greenhouse gas emission reductions called for in the Tiburon Climate Action Plan 2030 to reduce the risks of climate shocks existing the community such as wildfires and drought, which will then reduce risks of physical damage to critical infrastructure, property loss, and loss of life. The use of electricity rather than natural gas in newly constructed buildings and major remodels of single-family dwellings will reduce greenhouse gas emissions contributing to the effects of global warming. Increased wildfire risk in both severity and frequency has been scientifically linked to global warming.

2. Wildfire risk:

Much of Tiburon is located within the designated Wildland Urban Interface (WUI) and properties along Tiburon Ridge are classified by CAL FIRE as High and Moderate Fire Hazard zones. The use of electricity rather than natural gas in newly constructed buildings will reduce greenhouse gas emissions contributing to the effects of global warming, including extreme weather conditions that can lead to wildfires. Increased incidence of wildfires in both severity and frequency has been scientifically linked to global warming. Accordingly, local amendments to the municipal code establishing electrification requirements for newly constructed buildings and major remodels of single-family dwellings pursuant to this ordinance are reasonably necessary to achieve greenhouse gas emission reductions that avoids heightened risks from climate shocks existing in the community such as wildfires caused by global warming.

3. **Flooding/Sea Level Rise:**

The Tiburon peninsula is surrounded by bay waters. The Marin Shoreline Sea Level Rise Vulnerability Assessment estimates that Tiburon properties likely vulnerable to inundation in the near- and medium-term include the Downtown area on Main Street, the Boardwalk Shopping Center, Bay Road and access to the peninsula along Tiburon Boulevard from Highway 101, potentially cutting off residents from critical services and destinations. The use of electricity rather than natural gas in newly constructed buildings will reduce greenhouse gas emissions contributing to the effects of global warming, including extreme weather conditions that can lead to flooding and sea level rise. Increased flooding and sea level rise in both severity and frequency has been scientifically linked to global warming. Accordingly, local amendments to the municipal code establishing electrification requirements for newly constructed buildings and major remodels of single-family dwellings pursuant to this ordinance are reasonably necessary to achieve greenhouse gas emission reductions that avoids heightened risks from climate shocks existing in the community such as sea level rise and flooding caused by global warming.

4. **Seismic Risk:**

The Tiburon peninsula is located in the seismically active San Francisco Bay region. The San Andreas fault, located 9 miles east of Tiburon, was the source of the magnitude 7.9 earthquake in 1906 and the magnitude 6.9 Loma Prieta earthquake in 1989. The Hayward fault is located 7 miles to the east. The US Geological Survey forecasts a 72% probability that California will experience at least one earthquake of magnitude 6.7 or greater in the region before 2043. The elimination of natural gas appliances in newly constructed buildings would reduce the hazards associated with gas leaks during seismic events. Accordingly, local amendments to the municipal code establishing electrification requirements pursuant to this ordinance are reasonably necessary to avoid risks existing in the community from gas leaks and fire caused by vibration and ground failure risks from seismic events.

Section 4. Severability.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date.

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937. Pursuant to Government Code Section 25123, the amendments to the California Energy Code of this Ordinance requiring additional energy efficiency measure cannot be effective until approved by the California Energy Commission.

Before the expiration of fifteen (15) days after passage by the Town Council, a copy of the ordinance shall be published with the names of the members voting for and against it at least once in a newspaper of general circulation in the Town of Tiburon.

Prior to the effective date, a copy of this Ordinance shall be filed with the California Building Standards Commission complete with local findings for local amendment of the California Building Standards Code, as required by California Health and Safety Code Section 17959.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on April 19, 2023, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on May 3, 2023 by the following vote:

AYES: COUNCILMEMBERS: Fredericks, Ryan, Thier, Welner

NAYS: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: One Vacant Seat

JACK RYAN, MAYOR
TOWN OF TIBURON

ATTEST:

LEA DILENA, TOWN CLERK