

Agenda Item 4.a

ORDINANCE NO. 2022

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING TITLE 12 (BUILDING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE FOR ELECTRIC VEHICLE CHARGERS; AMENDING THE 2022 CALIFORNIA MECHANICAL CODE AND THE 2022 CALIFORNIA PLUMBING CODE TO LIMIT FUEL GAS IN EXISTING SINGLE FAMILY HOMES AND DUPLEXES, AND PROHIBIT FUEL GAS IN NEW CONSTRUCTION WITH LIMITED EXCEPTIONS; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES.

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**DIVISION 1. AMENDMENTS TO MUNICIPAL CODE.**

*Chapter 12.235 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:*

**CHAPTER 12.235 - CALIFORNIA GREEN BUILDING CONSTRUCTION STANDARDS CODE AMENDMENTS**

**12.235.010 General.** For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.  
Replacement language to the base code has been underlined.

**12.235.020 Amendments.** The 2022 California Green Building Standards Code is amended or modified as follows:

*Delete Section 4.106.4.1 and replace in its entirety 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.

*Delete Subsection 4.106.4.1.1 in its entirety.*

*Subsection 4.106.4.2 [unchanged].*

*Delete Subsection 4.106.4.2.1 and replace in its entirety to read as follows:*

**4.106.4.2.1 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 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. 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.

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

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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 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 the required, the EV ready spaces may be reduced by the same number.
3. **EV Chargers.** Ten (10) percent of 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 load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed 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.

*Delete Subsection 4.106.4.2.2 and replace in its entirety to read as follows (subsection 4.106.4.2.2.1 remains unchanged):*

**4.106.4.2.2 New Multifamily Dwellings and New Residential 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.

1. **EV Ready.** Eighty-five (85) percent of 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 the required, the EV ready spaces may be reduced by the same number.
2. **EV Chargers.** Fifteen (15) percent of 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 load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station

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(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.

*Subsection 4.106.4.2.2.1 [unchanged].*

### CHAPTER 12.245 - CALIFORNIA MECHANICAL CODE AMENDMENTS

**12.245.010 General.** For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.  
Added language to the base code has been underlined.

**12.245.020 Amendments.** The 2022 California Mechanical Code is amended or modified as follows:

*Amend Section 1301.1 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 kitchen 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 for additional attached housing.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for additional attached housing.

At the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project causing an insurmountable hardship.

### CHAPTER 12.250 - CALIFORNIA PLUMBING CODE AMENDMENTS

**12.250.010 General.** For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.  
Added language to the base code has been underlined.

**12.250.020 Amendments.** The 2022 California Plumbing Code is amended or modified as follows:

*Amend Section 1201.1 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.

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### Exceptions:

1. Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation, commercial kitchen 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 for additional attached housing.
3. Existing gas meter service size in one- and two-family dwellings may not be increased unless the increase is required for additional attached housing.

At the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project causing an insurmountable hardship.

### **DIVISION 2 FINDINGS.**

The San Rafael City Council finds that the scientific evidence has established that natural gas combustion as well as leakage occurring during natural gas procurement, transportation, storage, and distribution produce significant greenhouse gas emissions that contribute to global warming, climate change and sea level rise.

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 San Rafael City Council hereby finds that these changes or modifications to the California Green Building Standards Code, the California Plumbing Code and the California Mechanical Code as adopted in Chapter 12.200 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

#### I. Climatic conditions:

- a) Most of the annual rainfall in San Rafael occurs during the winter, it receives 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 off-shore hot, dry, Santa-Ana winds; all of which contribute to an elevated fire hazard.
- b) Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

#### II. Geologic conditions:

- a) San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b) Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

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### III. Topographic conditions:

- a) Much of San Rafael is 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, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

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

Cal Green Section Numbers	Climatic, geological and topographical condition
4.106.4.1.	<i>1a, 1b, 11a, 111a, 111b</i>
4.106.4.2.1	<i>1a, 1b, 11a, 111a, 111b</i>
4.106.4.2.2.	<i>1a, 1b, 11a, 111a, 111b</i>
CMC Section Numbers	
1301.1	<i>1a, 1b, 11a, 111a, 111b</i>
CPC Section Numbers	
1201.1	<i>1a, 1b, 11a, 111a, 111b</i>

### **DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that the adoption of this Ordinance would not have potential for causing a significant effect on the environment. (14 Cal. Code Regs. Section 15061(b)(3), 'general rule' provision). The Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

### **DIVISION 4 SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

### **DIVISION 5. EFFECTIVE DATE OF ORDINANCE.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effective thirty (30) days after its adoption. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against

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same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 21<sup>st</sup> day of November 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 5<sup>th</sup> day of December 2022 by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
Kate Colin, Mayor

Attest:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2022**

### **AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING TITLE 12 (BUILDING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE FOR ELECTRIC VEHICLE CHARGERS; AMENDING THE 2022 CALIFORNIA MECHANICAL CODE AND THE 2022 CALIFORNIA PLUMBING CODE TO LIMIT FUEL GAS IN EXISTING SINGLE FAMILY HOMES AND DUPLEXES, AND PROHIBIT FUEL GAS IN NEW CONSTRUCTION WITH LIMITED EXCEPTIONS; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES.**

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2022 which will amend Title 12 of the City of San Rafael Municipal Code concerning the 2022 California green building standards code for electric vehicle chargers; the 2022 California mechanical code and the 2022 California plumbing code to limit fuel gas in existing single-family homes and duplexes, and prohibit fuel gas in new construction with limited exceptions. Ordinance No. 2022 is scheduled for adoption by the San Rafael City Council at its regular meeting of December 5, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

This Ordinance would amend Title 12 (Building Regulations) of the San Rafael Municipal Code, by amending the 2022 California Green Building Standards Code for electric vehicle chargers; amending the 2022 California Mechanical Code and the 2022 California Plumbing Code to limit fuel gas in existing single family homes and duplexes, and prohibit fuel gas in new construction with limited exceptions.

For a complete copy of the text of the Ordinance amending the Municipal Code, please contact the City Clerk's Office at [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment are also available for public review at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2<sup>nd</sup> Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ \_\_\_\_\_  
LINDSAY LARA, City Clerk  
San Rafael City Clerk  
Dated: November 25, 2022