**ORDINANCE NO. _____**

**AN ORDINANCE OF THE LARKSPUR CITY COUNCIL AMENDING TITLE 15 (BUILDING REGULATIONS) OF THE LARKSPUR 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; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES.**

**WHEREAS**, Title 15 of the Larkspur Municipal Code ("LMC") currently contains the City's building standards ("Building Regulations") and adopts by reference the 2022 California Building Code, which incorporates the International Building Code published by the International Code Council;

**WHEREAS,** California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code;

**WHEREAS,** California Health and Safety Code Sections 17958,17958.5, 17958.7 and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological or topographical conditions;

**WHEREAS,** California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions;

**WHEREAS**, notice of the Ordinance was published in accordance with the Government Code; and

**WHEREAS**, 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; and

**WHEREAS**, pursuant to California Health and Safety Code sections 18941.5 and 17958, the City Council of the City of Larkspur hereby finds that all of the amendments adopted herein are reasonably necessary because of the City's unique local climatic, geologic and topographic conditions:

1. CLIMATIC

a. Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The City's weather is mild during the summer when daytime temperatures tend to be in the 80-degree Fahrenheit range, and cool during the winter, when daytime temperatures tend to be in the 50-degree Fahrenheit range. The City also has a Mediterranean Climate characterized by warm, dry summers that cause an increase in fire risk during the summer and fall months. The City experiences large temperature variations between night and day during the summer and winter months; the difference can be up to 31 degrees Fahrenheit. The drying out of wood shakes and wildland fuels in the summer months allows for easy ignition.

b. The City has a mix of development types, including rural development on the City's hillsides and canyons together with urbanized development of condominium complexes, senior living facilities and office complexes. This mix of development presents complex problems for fire safety.

c. Average yearly rainfall for the City is approximately 47 inches. This rainfall normally occurs from December to May. Heavy precipitation, months of low temperatures that can bring icy and slick roadways and traffic congestion in the developed areas of the City and an adjacent freeway contribute to numerous vehicle collisions. These conditions may also create a condition where emergency responders need to drive more cautiously.

2. TOPOGRAPHICAL

a. The City has numerous topographical features, including creeks, sloughs, natural parkways, open space, bridges/overpasses, freeways, drainage canals, wildland and hillside areas. These topographical features significantly impact the ability of emergency responders to extinguish or control wildland or structure fires.

b. Heavy traffic congestion on the City's major streets is a barrier to timely response for fire and emergency vehicles. As a result of increased development, some roadways in the City are expected to have significantly increased traffic flow rates in the future. In the event of an accident or other emergency at one of the key points of intersection between a road and river or freeway, sections of the City could be isolated or response time could be sufficiently slowed so as to increase the risk of injury or damage.

3. GEOLOGICAL

a. The City is in an area with localized pockets of clay and expansive soils. These soil conditions have been found to be a source of concern for footing and foundation design. Additionally, expansive soils can hold large amounts of moisture for extended periods of time. Either of these factors, or a combination of both, have been found to create an increased risk of moisture intrusion under slabs in certain common construction methods.

b. Structures in the City are classified within Seismic Design Category D – F, as determined by Section 1613A of the California Building Code. The Seismic Design Category is a classification assigned to a structure based on its occupancy group and the severity of the design earthquake ground motion at the site, with category A being the least restrictive and Category F being the most restrictive. This area contains a higher risk of seismic activity than most areas in the country. Likewise, unsupported fixtures, appliances and appurtenances in ceilings, though small in size, have been found to create a significant hazard to occupants in the event of seismic activity.

**NOW, THEREFORE, the City Council of the City of Larkspur does hereby ordain as follows:**

**SECTION 1. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.12 "California Plumbing Code"**

New Section 15.12.040 shall be added to read as follows:

**15.12.040 Amendments to the California Plumbing Code.**

Based upon the findings of the City Council regarding local climatic, topographical, and geological conditions, the 2022 California Plumbing Code is amended or modified as follows:

A. 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.

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.

## SECTION 2. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.15 "California Mechanical Code"

Section 15.15.020 shall be amended to read as follows:

**15.15.020 Amendments to the California Mechanical Code.**

Based upon the findings of the City Council regarding local climatic, topographical, and geological conditions, the 2022 California Mechanical Code is amended or modified as follows:

A. 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 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.

B. California Mechanical Code Section 1309, Gas Piping System Design, Materials, and Components, is amended by adding subsection 1309.1.2 to read as follows:

**1309.1.2 Excess Flow Automatic Gas Shutoff Valve**. All newly constructed buildings that have a

metered gas supply shall have installed an Excess Flow type Automatic Gas Shutoff Valve. All remodels, additions, or tenant improvement projects with a permit value larger than $10,000.00 shall be retrofitted with an Excess Flow type Automatic Shutoff Valve.

## SECTION 3. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.17 "California Green Building Standards Code"

Section 15.17.020 is hereby amended to read as follows:

### 15.17.020 Amendments to the California Green Building Standards Code.

Based upon the findings of the City Council regarding local climatic, topographical, and geological conditions, the 2022 California Green Building Standards Code is amended or modified as follows:

A. Section 202, the definition of "newly constructed" is amended as follows:

Newly Constructed (or New Construction). A newly constructed building (or new construction) shall include additions, alterations or repairs where more than 50% of all existing walls of an existing structure, measured in lineal feet, are demolished or deconstructed or where there are additions exceeding 50% of the existing floor area, or any combination of the two (2) cumulatively exceeding 50%.

B. Section 4.106.4.1 is deleted and replaced 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.

C. Subsection 4.106.4.1.1 is deleted in its entirety.

D. Subsection 4.106.4.2.1 is deleted and replaced 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.

   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.

D. Subsection 4.106.4.2.2 is deleted and replaced 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

(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.

**Section 4. 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.

**Section 5. 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 Larkspur 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.

**Section 6. EFFECTIVE DATE OF ORDINANCE.**

This Ordinance shall become effective thirty (30) days from its adoption and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the Larkspur City Council on the ___day of _____ 2023, and was passed and adopted at a regular meeting of the Larkspur City Council on the ____ day of _____ 2023 by the following vote, to wit:

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

_____
Gabe Paulson, Mayor

Attest:

_____
Alison Foulis, City Clerk