

CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

AN ORDINANCE OF THE CITY OF MILLBRAE
AMENDING TITLE 9, BUILDING AND FIRE REGULATIONS, CHAPTERS 9.05,
9.10, 9.15, 9.20, AND DELETING CHAPTERS 9.25, 9.30, 9.35,
9.50, 9.75, 9.85, 9.90, 9.95, AND 9.100

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILLBRAE AS
FOLLOWS:

**Section 1: AMENDMENT OF CHAPTER 9.05 “BUILDING CODE” OF THE
MILLBRAE MUNICIPAL CODE, TITLE 9 BUILDING AND FIRE REGULATIONS.**

Chapter 9.05 "Building Code" of the Millbrae Municipal Code is hereby amended and replaced with a new Chapter 9.05 "General Regulations," to read as set forth in the attached Exhibit A.

**Section 2: AMENDMENT OF CHAPTER 9.10 “RESIDENTIAL CODE” OF THE
MILLBRAE MUNICIPAL CODE.**

Chapter 9.10 "Residential Code" of the Millbrae Municipal Code is hereby amended and replaced with a new Chapter 9.10 "Title 24 Regulations," to read as set forth in the attached Exhibit A.

**Section 3: AMENDMENT OF CHAPTER 9.15 “ELECTRICAL CODE” OF THE
MILLBRAE MUNICIPAL CODE.**

Chapter 9.15 "Electrical Code" of the Millbrae Municipal Code is hereby amended and replaced with a new Chapter 9.15 "Small Residential Rooftop Solar Energy Systems," to read as set forth in the attached Exhibit A.

**Section 4: AMENDMENT OF CHAPTER 9.20 “MECHANICAL CODE” OF THE
MILLBRAE MUNICIPAL CODE.**

Chapter 9.20 "Mechanical Code" of the Millbrae Municipal Code is hereby amended and replaced with a new Chapter 9.20 "Expedited Electrical Vehicle Charging Station Permitting," to read as set forth in the attached Exhibit A.

**Section 5: DELETION OF CHAPTERS 9.25, 9.30, 9.35, 9.50, 9.75, 9.85, 9.90, 9.95, 9.100
OF THE MILLBRAE MUNICIPAL CODE.**

Chapters: 9.25 "Plumbing Code," 9.30 "Fire Code," 9.35 "Green Building Code," 9.50 "Energy Code," 9.75 "Millbrae Property Maintenance Code," 9.85 "Small Residential Rooftop Solar

Energy Systems," 9.90 "Administrative Code," 9.95 "Historical Building Code," and 9.100 "Existing Building Code," of the Millbrae Municipal Code are hereby deleted in their entirety.

Section 6: FINDINGS.

This Ordinance and its local amendments are reasonably necessary and justified because of the following unique climatic, geological, and topographical findings specific to the City of Millbrae:

1. The unique characteristics of topography and the balance of industrial, commercial and residential property in the City of Millbrae requires modifications to the California Title 24 Building Codes adopted by this Ordinance, to protect the health, safety and welfare of the residents, businesses, and property in the City by setting specific, more stringent City standards and requirements, and to provide the City with additional control in ensuring these standards and requirements are met.
2. The City is located in an earthquake zone, has a moist climate, and the land throughout the City involves large quantities of fill. Because of these and other factors, the land in the City is subject to instability. Furthermore, the City generally has hilly terrain, high winds and buildings in close proximity to each other, which can increase the risk of the spreading of fires. The City's tight traffic patterns and poor access to fires limit firefighting capabilities when fires start.
3. Climatic Conditions. The City, on an average, experiences an annual rainfall of sixteen inches to eighteen inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between seventy and ninety degrees with light to gusty westerly winds. These drying winds mixed with natural vegetation and neighborhoods of predominately wood and wood shingle residential dwellings create a hazardous fuel condition. With more and more development, wind-driven fires would have severe consequences, as has been demonstrated on several occasions in other areas of the state.

Because of the weather patterns, a normal rainfall cannot always be relied upon. This can result in water rationing and water allocation systems, as demonstrated by the drought years of 1987 through 1989, and the current three year drought that is continuing through 2022. Water shortages can also be expected in the future due to the current water storage capacities and increased consumption.

4. Geological Conditions. The City's western boundary is within a few miles of the San Andreas Fault, one of the major seismic faults running through California. An earthquake along the San Andreas Fault or along any of the other numerous seismic faults elsewhere in the Bay Area could break gas, electrical, and water lines, increasing the chance of fires and impairing the ability to fight them. Experts have cautioned that one or more major earthquakes in the Bay Area are inevitable and will probably happen sometime in the next several decades.

5. Topographical Conditions. The findings of fact for the topographical elements, as would be expected, are closely associated with the geographical element. The elevation in the city changes from sea level on the east boundary to six hundred eighty-five feet on the west. Because of these elevation changes, narrow streets with steep grades weave through the upper residential sections of the City. On-street parking and excessive setbacks create long narrow driveways, which extends the response time of fire equipment and other emergency services.

As a result of the findings of fact which define the various climatic, geological, and topographical elements, those additional requirements as specified in these amendments by the City are considered reasonable and necessary modifications.

While it is clearly understood that the adoption of such regulations may not prevent the incidence of disasters, the implementation of these amendments to the code may reduce the severity and potential of loss of life and property.

Section 7. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Millbrae hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 8. EFFECTIVE DATE; PUBLICATION

This Ordinance will be in full force and effect 30 days after adoption. At least five days prior to its adoption and within fifteen days after its adoption, a summary of this Ordinance will be published once in a newspaper of general circulation in the County of San Mateo and City of Millbrae.

INTRODUCED at a special meeting of the City Council of the City of Millbrae held on November 15, 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on December __, 2022.

Anne Oliva, Mayor

ATTEST:

Elaine Tran, City Clerk

Any and all work performed or activity held for which a permit is required under MMC Title 9 and no such permit is obtained may be subject to a penalty in the amount of up to ten times the cost of the permit. Such penalty may be assessed at the discretion of the Fire Chief.

Article VII – Green Building Standards Code

9.10.905 California Green Building Standards Code (CALGreen) 2022 Edition, Adopted.

The code of rules and regulations known and designated as the California Green Building Code (CALGreen) , 2022 Edition, with the California State Amendments, hereinafter called CALGreen code, which establishes the minimum requirements for the effective use of green building in the design of new residential, commercial and industrial buildings and structures and also includes additions and alterations to all existing buildings and structures, is adopted and by reference incorporated in this chapter as if fully set forth as the green building code of the city establishing the rules, regulations and standards as to all matters therein contained, subject, however, to the amendments, additions and deletions set forth in this chapter.. One copy of the CALGreen code shall, at all times, be kept on file in the office of the building official. The mandatory requirements of the adopted appendices to the green building code shall be enforceable to the same extent as if contained in the body of the green building code.

Whenever reference is made within the Millbrae Municipal Code to the Uniform Codes, National Codes or any codes regulating the construction or maintenance of any building, structure or appurtenance thereto, such codes shall commonly mean the currently adopted building code set forth in this chapter.

9.10.910 Amendment of CALGreen Code Section 202.

CALGreen Code Section 202 is amended to revise the definition of “Electrical Vehicle Charging Station (EVCS)” and add definitions related definitions related to an *Electric Vehicle Charging Station*, to read as follows:

Automatic Load Management System (ALMS). A control system that allows multiple EV chargers or EV-Ready electric vehicle outlets to share an electrical circuit and automatically reduce power at each charger. ALMS systems must be designed to deliver at least 1.4kW to each EV Capable, EV Ready, or EVCS space served by the ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2022 California Green Building Code for the relevant building types.

Affordable Housing. Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

Electric Vehicle (EV) Capable. A listed electrical panel with sufficient capacity to provide a minimum 20 amperes to a designated charging space. Raceways from the electrical panel to the charging space(s) shall be installed to a charging space(s) only in locations that will be inaccessible in the future, either underground or where penetrations through walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways shall be at least 1" diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The electric panel circuit directory shall identify the overcurrent protection

device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall identify the location of the raceway from the panel to the charging space.

Electric Vehicle Charging Station (EVCS). A parking space that includes installation of *Electric Vehicle Supply Equipment (EVSE)* per California Electrical Code and with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 *Electric Vehicle (EV) Ready Space*. **EVCS** installation may be used to satisfy a Level 2 EV Ready Space requirement.

- **Level 1 Electric Vehicle (EV) Ready Space.**

A complete electric circuit with a minimum 20-ampere capacity, including electrical panel capacity, overcurrent protection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, conductors, and either:

a) A receptacle, labelled “Electric Vehicle Outlet” with a minimum ½" font, adjacent to the parking space, or.

b) Electric vehicle supply equipment (EVSE).

- **Level 2 Electric Vehicle (EV) Ready Space.**

A complete electric circuit with a minimum 208/240 Volt, 40-ampere capacity, including electrical panel capacity, overcurrent protection device, a minimum 1" diameter raceway that may include multiple circuits as allowed by the California Electrical Code, conductors, and either a) a receptacle, labelled “Electric Vehicle Outlet” with a minimum ½" font, adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

9.10.915 Amendment of CALGreen Code Section 4.106.4.

CALGreen Code Section 4.106.4 “Exceptions” is amended to add the following exceptions:

3. Where there is no commercial power supply.
4. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities, unless the electrical panel is upgraded, or a new panel is installed in which case only the electrical capacity requirements apply.
5. Spaces accessible only by automated mechanical car parking systems.

9.10.920 Amendment of CALGreen Code Section 4.106.4.1 through 4.106.4.5.

CALGreen Code Sections 4.106.4.1 through 4.106.4.5 of the California Green Building Standards Code are amended to read as follows:

Section 4.106.4.1 New one- and two-family dwellings and town-houses with attached private garages.

For each dwelling unit, install a Level 2 EV Ready Space and Level 1 EV Ready Space.

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

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

Section 4.106.4.2 New multifamily dwellings.

The following requirements apply to all new multifamily dwellings:

1. For multifamily buildings with less than or equal to 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 EV Ready Space.
2. When more than 20 multifamily dwelling units are constructed on a building site:
 - a). For the first 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 Ready Space.
 - b). For each additional dwelling unit over 20, 25% of the dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space and the remaining dwelling units with parking space(s) shall be provided with at least a Level 1 EV Ready Space. Calculations for the required minimum number of EV Ready Spaces shall be rounded up to the nearest whole number.

Exception: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready Spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least a Level 1 EV Ready Space.

Notes:

1. ALMS may be installed to decrease electrical services and transformer capacity associated with EV Charging Equipment subject to review of the authority having jurisdiction.
2. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.
3. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
4. Multifamily residential building projects that have been granted entitlements within one year before the effective date of this ordinance shall provide at least ten (10) percent of the total number of parking spaces on a building

site, provided for all types of parking facilities, with Level 2 EV Ready Circuits. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

5. The City may consider allowing exceptions, on a case by case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces. If costs are found to exceed this level, the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.
6. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with Level 1 or Level 2 EV Ready Spaces.

Section 4.106.4.2.1.1 Electric vehicle charging stations (EVCS).

When EV chargers are installed, EV spaces shall comply with at least one of the following options:

- 1). The EV 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 EV 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 4.106.4.2.1.1.

Note:

- 1). Electric vehicle charging stations serving public housing are required to comply with the California Building Code, Chapter 11B.

Section 4.106.4.2.2 Electric vehicle charging space (EV space) dimensions.

Refer to the City's zoning regulations for parking space dimension requirements.

Section 4.106.4.2.3 Intentionally deleted.

Section 4.106.4.2.4 Intentionally deleted.

Section 4.106.4.2.5 Intentionally deleted.

9.10.925 Amendment of CALGreen Code Section 5.106.5.3.

CALGreen Code Sections 5.106.5.3 to 5.106.5.3.4 are amended to read as follows:

Section 5.106.5.3 Electric vehicle (EV) charging.

[N] New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation and use of EV chargers. Electrical vehicle supply equipment (EVSE) shall be installed in accordance with the California Building Code, the Electrical Code.

Exceptions:

- 1). Where there is no commercial power supply.
- 2). Spaces accessible only by automated mechanical car parking systems.

Section 5.106.5.3.1 Office buildings: In non-residential new construction buildings designated primarily for office use with parking:

- 1). When 10 or more parking spaces are constructed, 10% of the available parking spaces on site shall be equipped with Level 2 EVCS;
- 2). An additional 10% shall be provided with at least Level 1 EV Ready Spaces; and
- 3). An additional 30% shall be at least EV Capable.

Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 1 EV Ready Spaces and EV Capable spaces shall all be rounded up to the nearest whole number.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1" and sufficient for installation of EVCS at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

Note:

- 1). ALMS may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum requirements in this code. The option does not allow for installing less electrical panel capacity than would be required without ALMS.

Section 5.106.5.3.2 Other non-residential buildings: In non-residential new construction buildings that are not designated primarily for office use, such as retail or institutional uses:

1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 5% shall be at least Level 1 EV Ready.

Calculations for the required minimum number of spaces equipped with Level 2 EVCS and Level 1 EV Ready Spaces shall be rounded up to the nearest whole number.

Exception: Installation of each Direct Current Fast Charger with the capacity to provide at least 80 kW output may substitute for 6 Level 2 EVCS and 5 EV Ready Spaces after a minimum of 6 Level 2 EVCS and 5 Level 1 EV Ready Spaces are installed.

Section 5.106.5.3.3 Clean Air Vehicle Parking Designation. EVCS qualify as designated parking as described in Section 5.106.5.2 Designated Parking for Clean Air Vehicles.

Notes:

- 1). The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. www.dot.ca.gov/hq/traffops/policy/13-01.pdf.
- 2). See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
- 3). The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides helpful information for local governments, residents and businesses. www.opr.ca.gov/docs/ZEV_Guidebook.pdf.
- 4). Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
- 5). It is encouraged that EV Ready Spaces in shared parking are designated as "EV preferred."

5.106.5.3.4 [N] Identification. The raceway termination location shall be permanently and visibly marked as "EV Ready."

Article VIII – Energy Code

9.10.1005 California Energy Code, 2022 Edition, Adopted.

The code of rules and regulations known and designated as the California Energy Code, 2022 Edition, with the California State Amendments, hereinafter called the Energy Code, which establishes the minimum requirements for effective use of energy in the design of new buildings and structures and additions to existing buildings, is adopted and by reference incorporated in this chapter as if fully set forth as the energy code of the city establishing the rules, regulations and standards as to all matters therein contained, subject, however, to the amendments, additions and deletions set forth in this chapter. The mandatory requirements of the adopted appendices to the energy code shall be enforceable to the same extent as if contained in the body of the energy code. One copy of the energy code shall, at all times, be kept on file in the office of the building official.

Whenever reference is made within the Millbrae Municipal Code to the Uniform Codes, National Codes or any codes regulating the construction or maintenance of any building, structure or appurtenance thereto, such codes shall commonly mean the currently adopted building code set forth in this chapter.

9.10.1010 Amendment to Energy Code Section 100.0(e).

Energy Code Section 100.0(e) is amended to read as follows:

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

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.

EXCEPTION to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.

A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements, newly constructed buildings as defined in Section 100.1 shall not include newly constructed additions and tenant improvements in existing buildings.

Exception 1: Non-Residential Buildings containing a Scientific Laboratory Building, such area may contain a non-electric Space Conditioning System.

Exception 2: All one family, two family, ADUs, and low-density residential buildings may contain non-electric Cooking Appliances and Fireplaces.

Exception 3: Multifamily residential building projects that have been granted entitlements within one year or less before the effective date of this ordinance are not required to install all-electric water heating systems. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 4: Public agency owned and operated emergency centers.

Exception 5: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Community Development Director or his/her designee may grant a modification. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 6: Non-residential buildings containing a for-profit restaurant open to the public or a commercial kitchen may install gas-fueled cooking appliances.

Note 1: If natural gas appliances are used in any of the above exceptions 1-6, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

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

Note 2: If any of the exceptions 1-5 are granted, the Building Official shall have the authority to approve alternative materials, design, and methods of construction or equipment per CBC 104.

9.10.1015 Amendment to Energy Code Section 100.1(b).

Energy Code Section 100.1(b) is amended by adding the following definitions to read as follows:

ALL ELECTRIC BUILDING: is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

SCIENTIFIC LABORATORY BUILDING: is a building or area where research, experiments, and measurement in medical, and life sciences are performed and/or stored requiring examination of fine details. The building may include workbenches, countertops, scientific instruments, and supporting offices.

9.10.1020 Amendment to Energy Code Section 110.2.

Energy Code Section 110.2, first paragraph is amended to read as follows:

Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

9.10.1025 Amendment to Energy Code Section 110.3(a).

Energy Code Section 110.3(a) is amended to read as follows:

(a) Certification by Manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

9.10.1030 Amendment to Energy Code Section 110.4(a).

Energy Code Section 110.4(a) is amended to read as follows:

(a) Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment has all of the following:

1. Efficiency. A thermal efficiency that complies with the Appliance Efficiency Regulations; and
2. On-off switch. A readily accessible on-off switch, mounted on the outside of the heater that allows shutting off the heater without adjusting the thermostat setting; and
3. Instructions. A permanent, easily readable, and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and
4. Electric resistance heating. No electric resistance heating.

Exception 1 to Section 110.4(a)4: Listed package units with fully insulated enclosures, and with tightfitting covers that are insulated to at least R-6.

Exception 2 to Section 110.4(a)4: Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy.

9.10.1070 Amendment to Energy Code Section 110.5.

Energy Code Section 110.5, first paragraph is amended to read as follows:

Any equipment, meeting the requirements of Section 100.0 (e)2A, listed below may be installed only if it does not have a continuously burning pilot light:

9.10.1035 Amendment to Energy Code Section 140.0(b).

Energy Code Section 140.0(b) is amended to read as follows:

(b) The requirements of Sections 120.0 through 130.5 (mandatory measures for nonresidential, high-rise residential and hotel/motel buildings) and for all newly constructed buildings:

1. A solar photovoltaic (PV) system equivalent in size to 50 percent of the roof area, excluding any skylight area, shall be installed on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project.

Exception 1 to 140.0(b)1: The Community Development Director or his/her designee may grant a modification if the applicant demonstrates that the required percentage of PV installation will over-generate the annual kWh required to operate the proposed building;

Exception 2 to 140.0(b)1: The PV system size may be reduced in size to the maximum that can be accommodated by the effective annual solar access due to shading from existing permanent natural or manmade barriers external to the building, including but not limited to trees, hills, and adjacent structures. The effective annual solar access shall be 70 percent or greater of the output of an unshaded PV array on an annual basis. No PV system is required if the effective annual solar access is restricted to less than 200 contiguous square feet. If the applicant demonstrates that conditions exist where excessive shading occurs, a performance equivalency approved by the Building Official may be used as an alternative;

Exception 3 to 140.0(b)1: If there is a vegetative roof which meets all relevant code requirements including considerations for wind, fire, and structural loads, the solar photovoltaic system may be reduced in size such that 50 percent area of the roof is covered in either photovoltaics or vegetative roof.

Article IX – Property Maintenance Code

9.10.1105 International Property Maintenance Code, 2022 Edition, Adopted.

The International Property Maintenance Code, 2022 Edition is adopted and by reference incorporated in this chapter as if fully set forth as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing the standards for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided. One copy of the International Property Maintenance Code shall, at all times, be kept on file in the office of the building official.

Article X – Administrative Code

9.10.1205 California Administrative Code, 2022 Edition, Adopted.

The code of rules and regulations known and designated as the California Administrative Code, 2022 Edition, published by California Building Standards Commission, hereinafter called the