

ORDINANCE NO. 872

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 15.04 OF THE TOWN CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12), WHICH CONSISTS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, WITH CERTAIN LOCAL AMENDMENTS THERETO, AND ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN LOCAL AMENDMENTS THERETO

WHEREAS, the Town of Fairfax initiated proposed amendments to Fairfax Code Title Chapter 15.04 (Building Code). The Building Code includes building and energy efficiency regulations that apply to the incorporated areas of Fairfax. The project includes proposed amendments including, but not limited to, modifying green building requirements for new single family and duplex structures, new multi-family projects, new non-residential buildings or additions, remodeling and additions to residential structures, remodeling of multi-family projects, and remodeling to non-residential structures; and

WHEREAS, an inventory of 2020 greenhouse gas emissions for the Town of Fairfax found that the use of energy in residential and non-residential buildings within the Town generates 39% of the total annual greenhouse gas emissions, 90% of which comes from the combustion of natural gas in buildings; and

WHEREAS, the Town of Fairfax Climate Action Plan 2030 identifies reducing building energy use, and specifically natural gas use, as one of the most effective means of meeting the adopted goal of reducing the emissions of greenhouse gases to 100% below 2005 levels by the year 2030; and

WHEREAS, the Town Council adopted a resolution on March 6, 2019, declaring a climate emergency and reaffirming the Town's commitment to reducing greenhouse gas emissions; and

WHEREAS, the California Global Warming Solutions Act of 2006, known as AB 32, established a statewide goal of reducing greenhouse gas emissions to 1990 levels by 2020 and to a level 80% below 1990 levels by 2050, and Senate Bill 32, passed in 2016, set a target to reduce statewide emissions to 40% below 1990 levels by 2030; and

WHEREAS, the State of California Air Resource Board Draft 2022 Scoping Plan states that greenhouse gas reductions from local efforts are important to support state-level measures and highlights building decarbonization as a priority strategy for greenhouse gas reduction; and

WHEREAS, through Senate Bill 100 the State of California has adopted a goal that renewable energy and zero-carbon resources supply 100 percent of electric retail sales to end-use customers by 2045; and

WHEREAS, Fairfax properties can currently access 100% renewable energy via MCE's Deep Green and PG&E's Solar Choice programs, and MCE expects to achieve 95% GHG-free by 2023 for their Light Green service; and

WHEREAS, the Town of Fairfax is already experiencing and at risk of more frequently experiencing the devastating effects of extreme heat and weather events and flooding caused by climate change, including increased frequency and magnitude of wildfires and associated air pollution, health impacts, utility and transportation service interruptions, economic disruption, property loss, dislocation, housing shortages, food insecurity, school closures, impacts on agricultural production; and increased demand on public sector resources and emergency response capacity; and

WHEREAS, California Health and Safety Code Section 17958.7 provides that before making any local changes or modifications to the California Building Standards Code (CBSC) pursuant to Section 17958.7, the governing body must make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions, that such findings must be available as a public record, that a copy of the findings together with the modifications or changes expressly marked and identified to which each finding refers, must be filed with the State Building Standards Commission, and that no modification or change shall become effective or operative for any purpose until the findings and the modifications or changes have been filed with the Commission, and that the Commission may reject a modification or change if no finding was submitted; and

WHEREAS, the Town Council hereby finds that the green building local modifications to California Green Building Standards Code Chapters 3, 4, and 5, as set forth in this ordinance, are reasonably necessary to address local climatic, geologic, environmental, and/or topographic conditions that affect the health, safety, and welfare of residents; and

WHEREAS, the Town of Fairfax is the designated enforcement authority for this Title, and with the Ordinance proposed herein is expressly initiating local amendments, additions or deletions to the California Building Standards Code; and

WHEREAS, the Public Resources Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, the Town Council hereby determines that the revised energy standards contained herein are cost effective, based upon the findings of studies conducted by Frontier Energy, Inc., Misti Bruceri & Associates LLC, and TRC Energy Services; and

WHEREAS, nothing in this ordinance is intended to amend or conflict with any provisions of the National Appliance Energy Conservation Act of 1975 or to impose requirements to use or install any particular appliance or appliance system.

THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, the standards of building within the Town must conform with state law except where local conditions warrant more restrictive regulations, and, therefore, the Town Council should adopt the current California Building Standards Codes, contained in California Code of Regulations, Title 24, and other uniform codes governing the construction and regulation of buildings and structures, along with certain local changes and modifications to these Codes, which the Town Council is authorized to make by California Health

and Safety Code Sections 17958.7, and 18941.5, and reasonably necessary due to local climatic, geological, or topographical conditions.

Additional amendments are found to be either administrative or procedural in nature or to concern themselves with subjects not covered in the Codes. They are necessary for administrative clarification, and do not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7, and/or 18941.5. These administrative amendments establish administrative standards for the effective enforcement of the building standards in the Town. The changes made include provisions making each of said Codes compatible with other codes enforced by the Town and fee schedules.

A copy of this Ordinance adopting the 2022 California Building Standards Code, as amended, shall be filed with the California Building Standards Commission by the Town Clerk of the Town of Fairfax.

Pursuant to California Health and Safety Code section 17958.7, the Town Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Code, California Code of Regulations, Title 24, Part 2, and California Residential Code, California Code of Regulations, Title 24, Part 2.5, and the California Plumbing Code, California Code of Regulations, Title 24, Part 5, are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The Town Council of the Town of Fairfax further finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, § 15061(b)(3). Furthermore, the project protects persons and property from emergencies caused by the risk of fire, explosion and earthquake, and is statutorily exempt from CEQA because it is an action necessary to prevent or mitigate an emergency. (Cal. Public Resources Code section 21080(b)(4).)

SECTION 2. Chapter 15.04 of the Municipal Code Amended. Chapter 15.04 of the Town Code is hereby deleted in its entirety and replaced by the following:

"Chapter 15.04

BUILDINGS AND CONSTRUCTION

Sections

- 15.04.010 Adoption of Construction Codes**
- 15.04.015 Definitions**
- 15.04.020 Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms**
- 15.04.025 Plan Check Fees**
- 15.04.030 Roof Coverings**
- 15.04.035 Barriers for swimming pools, spas, and hot tubs**
- 15.04.040 Septic Systems**
- 15.04.045 Correcting Past Violations**
- 15.04.050 Fee Adjustments**
- 15.04.055 Alternative Power Supplies**
- 15.04.060 Applicability of 2006 Wildland Urban Interface Code**

15.04.065	Electric Vehicle Charging Stations
15.04.070	Green Building Requirements
15.04.075	Requirements for additions and alterations; Local amendments to 2022 California Energy Code
15.04.080	Requirements for Electric Vehicle Infrastructure; Local amendments to 2022 CALGreen California Green Building Standards Code
15.04.085	Standards for compliance
15.04.090	Incentives for compliance
15.04.095	Administrative Procedures
15.04.100	Exemptions

Section 15.04.010 – Adoption of Construction Codes

The following parts of Title 24, California Code of Regulations are adopted by reference as construction codes for the Town of Fairfax, subject to the modifications included later in this Chapter 15.04:

- a) 2022 edition of the California Administrative Code (Title 24 Part 1)
- b) 2022 edition of the California Building Code (Title 24 Part 2) based upon the 2021 International Building Code (IBC), including:
 - 1) Division II of Chapter 1, but not Section 113,
 - 2) Appendix Chapter A, Employee Qualifications,
 - 3) Appendix Chapter G, Flood-Resistant Construction,
 - 4) Appendix Chapter H, Signs,
 - 5) Appendix Chapter I, Patio Covers, and
 - 6) Appendix Chapter J, Grading.
- c) 2022 edition of the California Residential Code (Title 24 Part 2.5) based on the 2021 International Residential Code (IRC) including:
 - 1) Division II of Chapter 1, but not Section 112,
 - 2) Appendix Chapter V Swimming Pools, Spas and Hot Tubs,
 - 3) Appendix Chapter H Patio Covers, and
 - 4) Appendix Chapter J Existing Buildings and Structures.
- d) 2022 edition of the California Electrical Code (Title 24 Part 3) based upon the 2020 National Electrical Code (NEC), including:
 - 1) Article 89, but not Section 89.108.8.
- e) 2022 edition of the California Mechanical Code (Title 24 Part 4) based upon the 2021 Uniform Mechanical Code (UMC), including:
 - 1) Division II of Chapter 1, but not Section 107.0, 107.1, 107.2.

- f) 2022 edition of the California Plumbing Code (Title 24 Part 5) based upon the 2021 Uniform Plumbing Code (UPC), including:
 - 1) Division II of Chapter 1, but not Section 107.0 or 107.1, 107.2
- g) 2022 edition of the California Energy Code (Title 24 Part 6)
- h) 2022 edition of the California Historical Building Code (Title 24 Part 8)
- i) 2022 edition of the California Existing Building Code (Title 24 Part 10) based upon the 2018 International Existing Building Code (IEBC) including:
 - 1) Appendix Chapter A1 Seismic Strengthening Provisions For Unreinforced Masonry Bearing wall Buildings
 - 2) Appendix Chapter A3 Prescriptive Provisions For Seismic Strengthening Of Cripple Walls And Sill Plate Anchorage Of Light, Wood-Framed Residential Buildings.
 - 3) Appendix Chapter A4 Earthquake Risk Reduction In Wood-Frame Residential Buildings With Soft, Weak Or Open Front Walls.
- j) 2022 edition of the California Green Building Standards Code (CALGreen) (Title 24 Part 11), including:
 - 1) Appendix A4 and Appendix A5 Tier 1 measures, but excluding Appendix A4.2 and A5.2 (Energy Efficiency). The Tier 1 measures shall be mandatory for commercial and residential construction, and verification of such compliance shall be provided by the installer or designer.
- k) 2022 edition of the California Referenced Standards Code (Title 24 Part 12).
- l) 2021 edition of the International Property Maintenance Code, to the extent the same is not inconsistent with the California Buildings Standards Code (California Code of Regulations, Title 12, Parts 1-Part 12), as adopted and amended herein.

A copy of each of these documents is maintained in the office of the Building Official, and reference is made to them with like effect as if all the provisions and printed matter therein were herein set forth in full.

Section 15.04.015 – Definitions

Section 202 of the 2022 California Building Code and Section R202 of the 2022 California Residential Code are both hereby amended to add the definitions of “Substantial Remodel” and “Second Unit” as follows:

“Substantial Remodel” shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any twelve-month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

“Second Unit” shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site developed with a single-family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby.

Section 15.04.020 – Exterior Fire Resistive Construction, Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms.

Section 701A.1 of Chapter 7A of the 2022 California Building Code (Title 24, Part 2, Volume 1), and Section R337.1.1 of the 2022 California Residential Code (Title 24, Part 2.5, California Code of Regulations) are hereby amended to read as follows:

701A.1 / R337.1.1 Scope. This chapter applies to building materials, systems, and/or assemblies used in the exterior design and construction of new buildings, additions, repairs, and exterior alterations located within a Wildland Urban Interface Fire Area as defined in section 702A and R337.2.

Section 701A.3 of Chapter 7A of the 2022 California Building Code (Title 24, Part 2, Volume 1), and Section R337.1.3 of the 2022 California Residential Code (Title 24, Part 2.5, California Code of Regulations) are hereby amended to read as follows:

701A.3 / R337.1.3 Application. New buildings, additions, repairs, and exterior alterations to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 and R202 of this code (see also Appendix C - Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Section 707A.3.2 is hereby added to Chapter 7A of the 2022 California Building Code (Title 24, Part 2, Volume 1), which shall read as follows:

707A.3.2. When more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section 707A.3.

Section R337.7.3.2 is hereby added to the 2022 California Residential Code (Title 24, Part 2.5), which shall read as follows:

R337.7.3.2. When more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section 707A.3.

Section 903.2 of the California Building Code is hereby amended to read as follows:

903.2 Where Required. All Occupancies and Facilities. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through 903.2.21. Additionally, an automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as illustrated in the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.
- c. Junior second units.
- d. For an accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), if fire sprinklers are not required for the primary residence. This exception is intended to comply with Government Code Section 65852.2(c).

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section R313.1 and R313.2 of the California Residential Code each amended to read as follows:

R313.1 / R313.2 **Where Required.** An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as shown on the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.
- c. Junior second units.
- d. For an accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), if fire sprinklers are not required for the primary residence. This exception is intended to comply with Government Code Section 65852.2(c).

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of the California Building Code and Sections R313.1.1 and R313.2.1 of the California Residential Code are each hereby amended by adding the following language to the end of each respective section:

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.

b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.

c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Chief.

d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 906.11 is hereby added to the California Building Code as follows:

906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

Section 907.2 of the California Building Code is amended to add the following paragraphs after the second paragraph and before the Exceptions:

New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Existing Construction: Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the

standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 907.2.11 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.1 is hereby added as follows:

Section 907.8.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 15.04.025 – Plan Check Fees

Section 109.2 of the California Building Code (“CBC”) is hereby amended to add the following:

When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee.

When private contractors are retained to conduct project plan checks, the plan check fee charged by the Town shall be the total cost of the private plan check plus an additional twenty percent (20%) of that cost to defer administrative services provided by the Town.

Section 15.04.030 – Roof Coverings

Section 1505.1 of the California Building Code and Section R902.1 of the California Residential Code are both amended to add the following language after the first paragraph and before the exception(s) to each:

Notwithstanding anything to the contrary, the roof covering on any structure regulated by this code shall be a Class A Roof Covering Assembly as classified by Section 1505.2. When more than fifty percent (50%) of the total roof area of an existing structure is replaced within a twelve (12) month period, the entire roof must be replaced with a Class A Roof Covering Assembly.

Section 15.04.035 – Barriers for Swimming Pools, Spas and Hot Tubs

The Town Council finds and determines that the maintenance of swimming pools without protective measures constitutes a hazard to the safety of children and other inhabitants of the Town, and therefore the regulations contained in section 3109 of the 2021 International Building Code (to the extent the same are not inconsistent with the California Building Code) and Appendix AX of the California Residential Code, are hereby adopted and shall apply to existing as well as remodeled and new swimming pools.

Section 15.04.040 – Septic systems

California Plumbing Code Section 713.1 is amended to read as follows:

Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public sewer, except as provided in Sections 713.2 and 713.4.

Exception: A permit may be issued for the repair, replacement, or alteration of a previously constructed septic tank or sewage disposal system other than a septic system where no public sewer is available upon approval by the Town Council, the Planning Commission, the Marin County Health Department, Sanitary District Number 1 of Marin County, and the Bay Area Water Quality Control Board.

Section 15.04.045 – Correcting Past Violations

Before a new permit can be issued for any parcel, all expired permits for a parcel must be reinstated, all work done without a permit on a parcel must be permitted, and all mandatory correction items noted on the Resale Inspection Reports for that parcel must be permitted or corrected.

Section 109.7 is added to the California Building Code and Section R108.7 is added to the California Residential Code to read as follows:

Expired permits which are lacking only a final inspection may be reinstated for a fee of \$50 or the cost of the permit, whichever is less.

Section 15.04.050 – Fee Adjustments.

The Town Council may, by resolution, revise the fees established by this Chapter 15.04.

Section 15.04.055 – Alternative Power Supplies

Section 1511.9.2 of the California Building Code and Section R324.7.4 of the California Residential Code are added to read as follows:

Alternative Power Supplies. Roof-mounted photovoltaic panels/modules and other alternative electrical power supply sources shall comply with the requirements of the California Building Code as amended, the California Residential Code as amended, the California Electrical Code, and the California Fire Code as amended.

Section 15.04.060 – Applicability of 2006 Wildland Urban Interface Code

Section 701 of the California Building Code is hereby amended by adding the following sentence:

Buildings constructed in designated Wildland Urban Interface areas shall also comply with the 2018 Edition of the Wildland Urban Interface Code, as adopted and amended by the Town of Fairfax in Chapter 8.06 of the Town Code.

Section 15.04.065 – Electric Vehicle Charging Stations

(A) Purpose. The purpose of this section is to create an expedited and streamlined electric vehicle charging station permitting process that complies with Cal. Government Code § 65850.7 to achieve the timely and cost-effective installation of electric vehicle charging stations. Pursuant to Cal. Gov't Code § 65850.7 and notwithstanding any other provision of this code pertaining to conditional or accessory uses, only an electrical permit shall be required for an electric vehicle charging station.

(B) Definitions.

“Electronic Submittal.” The submission of application materials via electronic mail.

“Electric Vehicle Charging Station (EVCS)” means a parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

(C) Permit.

(1) An electrical permit is required prior to installing an electric vehicle charging station. Installation shall also meet any applicable requirements of the California Building Standards Code (California Code of Regulations, Title 24) and state law, including but not limited to, Cal. Gov't Code § 65850.7, as may be amended from time to time.

(2) The Building Official shall adopt and maintain a standard electric vehicle charging station checklist that is consistent with the checklist in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. The checklist and application shall be made available on the town's website.

(3) An application to install an electric vehicle charging station may be made by electronic submittal. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(4) An application will be deemed complete if the Building Official determines that the application includes all of the information and documents required by the standard application form and the standard checklist. If an application is deemed incomplete, the Building Official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the Building Official will perform an expedited review of the application.

(5) Review of the permit application shall be limited to the Building Official's review of whether the application meets local, state and federal health and safety requirements.

The application shall be administratively reviewed by the Building Official as a ministerial permit.

(6) Approval of a permit shall not be conditioned on the approval of an association, as that term is defined in Cal. Civil Code § 4080.

(7) A permit will be issued following the Building Official's approval of an application for an electric vehicle charging station and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically. The decision to approve or deny the permit shall be issued in accordance with the timeframes adopted by the Town Council and in no event later than three days after the application is deemed complete.

(8) As soon as practicable after the applicant notifies the Building Official that an electric vehicle charging station has been installed, the Building Official will inspect the system to verify compliance with the permit. No electric vehicle charging station may be operated unless the Building Official verifies in writing that it complies with the permit.

Section 15.04.070 – Green Building Requirements

(A) Purpose. The purpose of this section is to meet or exceed all applicable mandatory measures of the 2022 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations and to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas emissions and improving the environmental and economic health of the county through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials. The green building provisions referenced in this chapter are designed to achieve the following objectives:

- (1) Increase energy efficiency in buildings;
- (2) Reduce consumption of fossil fuels in the Town;
- (3) Encourage water and resource conservation;
- (4) Reduce waste generated by construction projects;
- (5) Reduce long-term building operating and maintenance costs;
- (6) Improve indoor air quality and occupant health;
- (7) Contribute to meeting state and local commitments to reduce greenhouse gas emissions; and
- (8) Satisfy all applicable mandatory measures of the 2022 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations.

(B) Applicability.

The provisions of this section shall apply to all construction or development projects defined below as a “covered project.”

(C) Definitions.

For the purposes of interpreting this chapter and the associated standards for compliance, the following terms are defined as follows. When the definitions below differ from those contained elsewhere in this title, the provisions of this chapter shall apply. These

definitions are additional to those outlined in Chapter 2 of the California Green Building Standards Code, Title 24, Part 11.

(1) "2022 California Energy Code" refers to the requirements outlined in the 2022 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title 24.

(2) "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 barbeques), 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.

(3) "Accessory Dwelling Unit (ADU)" means a residential unit that meets the definition of an accessory dwelling unit as outlined in Chapter 17 of the Fairfax Town Code. This states that "a residential dwelling unit, which is accessory to a primary dwelling unit, that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall provide permanent provisions for living, sleeping, eating, cooking, sanitation, and independent exterior access, on the same lot as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (1) an efficiency unit as defined in section 17958.1 of the California Health and Safety Code and (2) a manufactured home as defined in section 18007 of the California Health and Safety Code." For purposes of this subchapter, ADU also covers Junior ADUs and detached or attached ADUs.

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

(5) "CALGreen" refers to the California Green Building Standards Code, as included in Title 24, Part 11 of the California Code of Regulations.

(6) "CALGreen mandatory" means those measures that are required under Title 24, Part 11. Residential mandatory measures are contained in CALGreen Chapter 4. Nonresidential mandatory measures are contained in CALGreen Chapter 5.

(7) "CALGreen Tier 1" refers to required pre-requisite and elective measures in addition to the CALGreen mandatory measures, as outlined in CALGreen Appendix A4.601.4 for residential projects and CALGreen Appendix A5.601.2 for nonresidential projects.

(8) "Commercial Kitchen" means non-retail food facility devoted to the commercial preparation, production, and cooking of food and beverages for on-site or off-site consumption.

(9) "Cooking Equipment" means equipment intended for commercial use, including ovens, ranges, and cooking appliances for use in a commercial kitchen and restaurant where food is dispensed.

(10) "Covered Project(s)" means a development project provided below as set forth by the standards for compliance outlined in § 15.04.085, Table 1, 2, or 3 for which one or more building permits are required:

- (i) All residential and nonresidential new construction and newly constructed buildings as defined below in § 15.04.070(C)(27) and (28), respectively; and/or
- (ii) Additions or alterations to an existing Single-Family residential building, except for any projects less than 200 square feet.

(11) "Direct Current Fast Charging (DCFC)" means 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.

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

(13) "Electric Vehicle (EV) Ready Space" means a vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted, to support EV charging, terminating in a receptacle or a charger.

(14) "Electric Vehicle Charging Space (EV Space)" means a space intended for future installation of EV charging equipment and charging of electric vehicles.

(15) "Electric Vehicle Charging Station (EVCS)" means a parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

(16) "Level 1 (L1) EV Ready" means 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 volt, 40-ampere) at each parking space.

(17) "Level 2 (L2) EV Ready" means 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 equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

(18) "Electric Vehicle Supply Equipment (EVSE)" means the conductors, including the undergrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets or apparatus installed for the purpose of transferring energy between the premises wiring and the electric vehicle.

(19) "Essential Services Building" means a facility as defined by the California Health and Safety Code section 16007, as amended from time to time. For purposes of this chapter, essential services buildings are publicly owned and/or publicly operated buildings whose purpose is to safeguard the public health and safety. Essential services buildings generally exclude privately owned residences and/or commercial buildings; except that, privately owned commercial buildings may qualify as essential services buildings to the extent they are publicly operated to safeguard the public health and safety.

(20) "Food Service Establishment" means any newly constructed or new construction building with construction plans for a commercial kitchen or cooking equipment.

(21) "Industrial process heat" shall be defined as a process or manufacturing equipment for which sustained temperatures typically in excess of three hundred fifty degrees Fahrenheit are required and demonstrably not achievable with commercial electric equipment.

(22) "Low Power Level 2 Electric Vehicle Charging Receptacle" means 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 equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

(23) "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.

(24) "Modified parking lot" shall be those for which paving material and curbing is removed.

(25) "Natural gas" is the same meaning as "Fuel Gas" as defined in the California Plumbing Code and Mechanical Code.

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

(27) "Newly Constructed" means a building that has never before been used or occupied for any purpose.

(28) "Qualified green building rater" means an individual who has been trained and certified as a CALGreen inspector, LEED AP w/a specialty, GreenPoint rater, PHIUS consultant, or has similar qualifications and certifications if acceptable to the chief building official.

(29) "Single-Family" means a building designed for and/or occupied exclusively by one family. It is used herein to describe one and two-family dwellings and townhouses with attached private garages. It also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing on permanent foundations and agricultural worker housing.

15.04.075 – Requirements for additions and alterations; Local amendments to 2022 California Energy Code

Pursuant to §15.04.010(g), Fairfax has adopted the 2022 Edition of the California Energy Code known as California Code of Regulations, Part 6 of Title 24, with additions and deletions as provided in this subchapter.

The provisions of this subchapter shall constitute local amendments to the cross-referenced provisions of the 2022 California Energy Code and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this subchapter.

The California Energy Code, Title 24, Part 6, is hereby amended provided below:

Section 100.0 of Subchapter 1 of the 2022 California Energy Code is modified to add new section (i) as follows:

- (i) Single-Family Building Remodel Energy Reach Code - Purpose and Intent. 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 Covered Projects of mixed-fuel buildings.

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

"All-electric Building" or "All-electric Design" as defined in § 15.04.070(C)(2), Fairfax Town Code.

"Covered Project(s)" as defined in § 15.04.070(C)(10), Fairfax Town Code.

"Mixed-fuel" building as defined in § 15.04.070(C)(23), Fairfax Town Code.

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 150.0(v), and Covered Existing Single-Family Projects, other

than projects identified as all-electric construction for newly constructed or new construction buildings in § 15.04.070(C)(27), Fairfax Town Code, shall comply with the applicable requirements of Section 150.0(w).

NOTE: The requirements of Sections 150.0(a) through 150.0(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, with the exception that Covered Existing Single-Family Projects, other than projects identified as all-electric construction for newly constructed or new construction buildings, shall also be required to comply with Section 150.0(w).

Section 150.0(w) is added to read as follows

- (w) Requirements for a Covered Project are outlined by project type in §15.04.085, Table 1, Fairfax Town Code. A Covered Existing Single-Family Project, as defined in § 15.04.075(C)(10)(ii), Fairfax Town Code, that includes an electrical panel upgrade, a kitchen remodel or a laundry room remodel shall comply with the requirements for Measure ER2 in § 15.04.085, Table 2, Fairfax Town Code. In addition, a Covered Existing Single-Family Project in a building originally permitted for construction on or before December 31, 2010, shall install a set of measures from the Measure Menu in § 15.04.085, Table 2, Fairfax Town Code, to achieve a total Measure Point Score that is equal to or greater than the Target Score in said table and shall conform to the List of Measure Specifications in § 15.04.085, Table 3, Fairfax Town Code, except as otherwise described below:
 - (i) Projects identified as all-electric construction for newly constructed or new construction buildings in §15.04.070(C), Fairfax Town Code.
 - (ii) Projects less than 200 square feet.
 - (iii) Projects that are limited solely to a newly created attached Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Unit (JADU) as defined in §15.04.070(C)(3), Fairfax Town Code. A newly created ADU and JADU shall include either additions or conversions of existing space. This exception DOES NOT apply to a Covered Existing Single-Family Project of an existing ADU or JADU.
 - (iv) 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).
 - (v) If due to conditions specific to the project, it is technically or economically infeasible to achieve compliance, the chief building official may reduce the Target Score and/or waive some or all of the mandatory requirements.
 - (vi) 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).
 - (vii) 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, to the specifications in §15.04.085 Table 3, Fairfax Town Code, the following:
 - (a) E1: Lighting Measures; and
 - (b) E2: Water Heating Package

In addition, all mandatory measures listed in §15.04.085, Table 2, Fairfax Town Code, shall be installed.

Measure verification shall be explicitly included as an addendum to the Certificate of Compliance to be filed pursuant to 2022 Title 24 Section 10-103.

Section 15.04.080 – Requirements for Electric Vehicle Infrastructure; Local amendments to 2022 CALGreen California Green Building Standards Code

Pursuant to §15.04.010(j), Fairfax has adopted the 2022 edition of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title 24 (herein referred to as CALGreen Code), including Division A4.6 for Tier 1 with additions, and deletions as provided in this subchapter. Requirements are outlined by project type in Table 1 of Chapter 15.04.085, Fairfax Town Code.

The provisions of this subchapter shall constitute local amendments to the cross-referenced provisions of the 2022 CALGreen Code and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this subchapter.

Section 202 of Chapter 2 of the 2022 CALGreen Code is hereby amended to add and amend 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, 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 EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

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

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

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

- 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 would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."
- 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 volt, 40-ampere) at each parking space.

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

- 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 equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

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

- 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 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 volt, 40-ampere) at each parking space.

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

Section 301.1 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.1 Scope. Buildings shall be designed to comply with applicable requirements of Town of Fairfax Green Building Requirements beginning at Chapter 15.04.065(A), Fairfax Town Code, and shall also include the green building measures specified as mandatory in the application checklists contained in this code.

Section 301.1.1 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.1.1 Additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions and alterations of existing residential buildings, in accordance with applicable requirements of Town of Fairfax Green Building Requirements beginning at Chapter 15.04.065(A), Fairfax Town Code. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of section 4.106.4.1.1 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities or the addition of new parking facilities serving existing multifamily buildings. See Section 4.106.4.1.2 for application.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

Section 301.3 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.3 Nonresidential additions and alterations. [BSC-CG] The provisions of individual sections of Chapter 5 apply to newly constructed buildings and building additions and alterations (for occupancies within the authority of California Building standards Commission). Code sections relative to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

Section 4.106.4 of Chapter 4 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

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

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
 - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of A4.106.8.1.
3. Multifamily building projects that have approved entitlements before the code effective date.
4. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

4.106.4.1 Multifamily dwellings with parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

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

NOTE: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

4.106.4.1.2 Additions and alterations of existing buildings.

1. When parking facilities upgrade the service panel or parking lot surface is modified, including the removal of paving material and curbing, comply with the number of spaces designated for the project type as outlined in Table 1 of Chapter 15.04.085, Fairfax Town Code. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

4.106.4.2.1 Additions and Alterations of Existing Buildings.

1. When parking facilities upgrade the service panel or parking lot surface is modified, including the removal of paving material and curbing, comply with the number of spaces designated for the project type as outlined in Table 1 of Chapter 15.04.065(A), Fairfax Town Code. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

4.106.4.3 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.1 and 4.106.4.2, shall comply with Section 4.106.4.3.

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

4.106.4.3.1 Location.

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

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

Exception: Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2, Item 3.

4.106.4.3.2 Dimensions.

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

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

Exception: Where the Town of Fairfax Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

4.106.4.4 Direct current fast charging stations (DCFC). One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

Section A4.106.8 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

New construction shall comply with Sections A4.106.8.1, to facilitate future installation and use of electric vehicle chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625.

Section 5.106.5.3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

5.106.5.3 Electric vehicle (EV) charging.

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

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - a. Where there is no local utility power supply
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

Section A5.106.5 of Appendix A5 of the 2022 CALGreen Code is hereby amended as struck through:

A5.106.5 Electric Vehicle (EV) charging.

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

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section A5.106.5, may adversely impact the construction cost of the project.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

A5.106.5.3 Nonresidential Occupancies – Shared Parking Facilities.

A5.106.5.3.1 New Construction - Tier 1.

Table A5.106.5.3.1 shall be used to determine the number of EV capable spaces required. Refer to section 5.106.5.3 for design space requirements.

When EV capable spaces are provided with EVSE to create EVCS per Table A5.106.5.3.1.

TABLE A5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 1 NUMBER OF REQUIRED EV CAPABLE SPACES	TIER 1 NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE) ²
0-9	2	0
10-25	5	0
26-50	11	2
51-75	19	3
76-100	26	4
101-150	38	6
151-200	53	9
201 and over	30 percent of total ¹	25 percent of EV capable spaces ¹

1. Calculation for spaces shall be rounded up to the nearest whole number.

2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.

A5.106.5.3.2 Additions and alterations of existing buildings.

1. When parking facilities upgrade the service panel or parking lot surface is modified, including the removal of paving material and curbing, comply with the number of spaces designated for the project type as outlined in Table 1 of Chapter 15.04.085, Fairfax Town Code. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

A5.106.5.4 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.

Section 5.106.5.4 of the 2022 CALGreen Code is hereby amended as struck through:

5.106.5.4 Electric vehicle charging readiness: medium-duty and heavy-duty. [N]

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces.

[N] In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty EV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.
4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

TABLE 5.106.5.4.1, Raceway Conduit and Panel power Requirements for Medium-and-Heavy-Duty EVSE [N]

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

15.04.085 Standards for compliance.

The Town of Fairfax Green Building Requirements define compliance thresholds for different projects that are covered by this ordinance. These standards are summarized below in Table 1. The energy efficiency and electrification measures menu and specifications are detailed in Tables 2 and 3.

Project Type and Size	Green Building Requirements	Energy Efficiency Requirements	Electric Vehicle Requirements
Single and Two-Family Newly Constructed or New Construction	All-electric design AND CALGreen Tier 1	Meet the standards outlined for the project in the 2022 California Energy Code	Comply with CALGreen Measure A4.106.8.1, Tier 1
Multifamily Residential Newly Constructed or New Construction			Of the total parking spaces, (i) 15% Level 2 (L2) EVCS (ii) 85% Low-Power Level 2 (LPL2) EV Ready

Table 1: Requirements by Project Type and Size			
Project Type and Size	Green Building Requirements	Energy Efficiency Requirements	Electric Vehicle Requirements
Nonresidential Newly Constructed or New Construction	All-electric design AND CALGreen Tier 1	Meet the standards outlined for the project in the 2022 California Energy Code	For Nonresidential: comply with CALGreen Measure A5.106.5.3.1, Tier 1; AND For Nonresidential Grocery, Retail, or Warehouses planning off-street medium-heavy-duty loading spaces: comply with CALGreen Measure 5.106.5.4
Single and Two-Family Additions and Alterations less than 200 square feet	CALGreen Mandatory	Meet the standards outlined for the project in the 2022 California Energy Code	If the project is upgrading the main electrical service panel, comply with CALGreen Measure A4.106.8.1, Tier 1
Single and Two-Family Additions and Alterations 200 square feet or greater	CALGreen Tier 1	Using the Measure Menu in Table 2, achieve a total score that is equal to or greater than the Target Score for the applicable climate zone and install the electric readiness measures (ER2) as applicable in Table 3	

Table 1: Requirements by Project Type and Size			
Project Type and Size	Green Building Requirements	Energy Efficiency Requirements	Electric Vehicle Requirements
Multifamily Residential Additions and Alterations less than 200 square feet	CALGreen Mandatory	Meet the standards outlined for the project in the 2022 California Energy Code	<p>If the service panel is modified, add designated electrical capacity for 20% of onsite parking spaces to be Level 2 EV Ready.</p> <p>If parking lot surface is modified (paving material and curbing removed):</p> <ul style="list-style-type: none"> (i) add raceway to a minimum of 25% of exposed parking spaces, AND (ii) install at minimum 5% EVCS to parking spaces requiring any combination of Level 2 and Direct Current Fast Charging EVSE, except at least one Level 2 EVSE shall be provided. <p>Where existing electrical service will not be upgraded in the existing project scope, designate capacity for parking spaces to the maximum extent that does not require an upgrade to existing electrical service.</p>
Multifamily Residential Additions and Alterations 200 square feet or greater	CALGreen Tier 1		
Nonresidential Additions and Alterations			

The following conditions also apply to Table 1:

- (a) Cumulative new construction or remodels during the preceding 36-month period from the acceptance of this application shall be considered as a single covered project, and subject to the highest compliance threshold based on the cumulative project size or valuation.
- (b) Mixed use (residential and commercial) projects must comply either with the applicable covered project requirements for the respective residential and commercial portions of the project or may propose to utilize a mixed-use rating system, subject to approval by the chief building official.

Table 2: Energy and Electrification Menu of Measures by Climate Zone

Measure		Climate Zone	Steps
		2	
Specification	Spec. ID (Refer to Table 3)	Target Score	2) Minimum Target Score needed to comply (1 point = 1MMBTU savings per yr.)
		8	
Lighting	E1	Mandatory	3) Choose a measure or a combination of measures that adds up to the minimum target score above based on CZ. Measures listed as "Mandatory" MUST be installed. 4) Use the Specification Number (Spec. ID) column as a key and conform to the specifications in Table 3 below. Table 3 describes, specifies, and details compliance with each corresponding measure.
Water Heating Package	E2	1	
Air Sealing	E3	1	
R-49 Attic Insulation	E4	1	
Duct Sealing	E5	1	
New Ducts + Duct Sealing	E6	2	
PV + Electric Ready Pre-Wire	ER1	12	
Electric Readiness Measures	ER2	Mandatory (if remodeling kitchen, laundry, or upgrading panel)	
HPWH	FS1	12	
High Eff HPWH	FS2	13	
HVAC Heat Pump	FS3	13	
High Eff HVAC Heat Pump	FS4	14	
Heat Pump Clothes Dryer	FS5	1	
Induction Cooktop	FS6	1	

¹California Energy Commission climate zone tool finder at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/climate-zone-tool-maps-and>.

The following conditions also apply to Table 2:

- (a) Unless otherwise specified, the requirements shall apply to the entire dwelling unit, not just the additional or altered portion.

- (b) Measures from the Measure Menu in Table 2 and specified in Table 3, that already exist in the home, may be counted towards compliance with these requirements, unless otherwise specified in Table 3.
- (c) Measures from the Measure Menu in Table 2 that are to be installed to satisfy requirements under the State Energy Code, Title 24, Part 6, may also be counted towards compliance with these requirements. Where these requirements conflict with other Energy Code requirements, the stricter requirements shall prevail.

Table 3. List of Measure Specifications

ID	Measure Specification
Energy Measures	
E1	Lighting Measures – 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	<p>Water Heating Package: 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.</p> <p>Exception 1: Water heater blanket is not required on water heaters less than 20 gallons.</p> <p>Exception 2: Water heater blanket not required if application of a water heater blanket voids the warranty on the water heater.</p> <p>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.</p> <p>Exception 4: Water heaters with factory installed insulation of R-24 or greater</p>
E3	<p>Air Sealing: 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:</p> <p>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.</p>
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

	<p>contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover.</p> <p>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.</p>
E5	Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of the 2022 Title 24 Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the Covered Single Family Project permit application date to verify the duct sealing and confirm that the requirements have been met. This measure may not be combined with the New Ducts and Duct Sealing measure in this Table.
E6	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.
E7	Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
E8	R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Fuel Substitution Measures	
FS1	Heat Pump Water Heater (HPWH): Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters.
FS2	High Efficiency Heat Pump Water Heater (HPWH): 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	HVAC Heat Pump: Replace all existing gas space heating system and existing electric resistance heating systems with electric heat pump systems.
FS4	High Efficiency HVAC Heat Pump: 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	Heat Pump Clothes Dryer: Replace all existing electric resistance clothes dryers with heat pump dryers with no resistance element and cap the gas lines.
FS6	Induction Cooktop: Replace all existing gas and electric resistance stove tops with inductive stove tops and cap the gas lines.
Solar PV and Electric-Readiness Measures	
ER1	<p>PV+ Electric Ready Pre-Wire:</p> <p>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.</p> <p>For Existing PV Systems: If the home already has an existing PV system, to claim credit for this measure, ER1, upgrade the service panel to meet the requirements of ER2.G. and install any two of the other measures from ER2.A – ER2.F.</p>

ER2	<p>Electric Readiness Measures:</p> <p>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.</p> <p>For any Covered Project, if the service panel is being upgraded, install any two of the other measures below.</p> <p>If the laundry room is being remodeled, comply with Item ER2.D and upgrade the panelboard to meet the requirements of Item ER2.G.</p> <p>If the kitchen is being remodeled, comply with Item ER2.C and upgrade the service panel to meet the requirements of Item ER2.G.</p>
	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.
	<p>G. Upgrade the panelboard serving the individual dwelling to either:</p> <p>(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,</p> <p>(ii) provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel.</p> <p>Exception: If an electrical permit is not otherwise required for the project other than compliance with this Item, ER2.</p>

15.04.090 Incentives for compliance.

In addition to the required standards for compliance, the Town Council may establish by resolution, financial or application processing incentives and/or award or recognition programs to encourage higher levels of green building compliance for a project.

15.04.095 Administrative procedures.

The procedures for compliance with the provisions of this chapter shall include, but not be limited to the following:

- (a) *Project design.* Applicants for a covered project are strongly encouraged to involve a qualified green building rater in the initial design phases of the project in advance of submittal of an application to determine applicable green building compliance thresholds and the most cost effective and appropriate means of achieving compliance.
- (b) *Planning applications.* If a discretionary planning application is required for a covered project, applicants should be prepared to identify expected green building measures to be included in the project to achieve the compliance thresholds. Applicants should identify any anticipated difficulties in achieving compliance and any exemptions from the requirements of this chapter that may be requested.
- (c) *Building plan check review.* Upon submittal of an application for a building permit, building plans for any covered project shall include a green building program description and completed checklist. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. Evidence that the project, as indicated by the project plans and green building program description, will achieve the standards for compliance outlined in Section 15.04.085, shall be provided prior to issuance of a building permit.
- (d) *Changes during construction.* During the construction process, alternate green building measures may be substituted, provided that documentation of the proposed change and the project's continued ability to achieve the standards for compliance to the chief building official shall be provided.
- (e) *Final building inspection.* Prior to final building inspection and occupancy for any covered project, evidence that project construction has achieved the required compliance set forth in the standards for compliance outlined in Section 15.04.085 shall be provided. The chief building official shall review the documentation submitted by the applicant and determine whether the project has achieved the compliance threshold as set forth in the standards for compliance outlined in Section 15.04.085. If the chief building official determines that the applicant has met these requirements, the final building inspection may proceed.
- (f) *Conflict with other laws.* The provisions of this chapter are intended to be in addition to and not in conflict with other laws, regulations and ordinances relating to building construction and site development. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government or the state of California, the federal or state statutes or regulations shall take precedence.

15.04.100 Exemptions.

- (a) The provisions of this chapter shall not apply to:

- (1) Buildings which are temporary (such as construction trailers).
 - (2) Building area which is not or is not intended to be conditioned space.
 - (3) Any requirements of this chapter which would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the chief building official and as regulated by the California Historic Building Code (Title 24, Part 8). In making such a determination, the chief building official may require the submittal of an evaluation by an architectural historian or similar expert.
- (b) As outlined in the 2022 CALGreen code, section 4.106.4 and A5.106.5, applicants may be exempted from the electric vehicle changing requirements on a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
- (1) Where there is no commercial power supply or the local utility is unable to supply adequate power.
 - (2) Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of section 4.106.4 and A5.106.5 may adversely impact the construction cost of the project.
 - (3) ADUs and JADUs without additional parking facilities.
 - (4) Parking spaces accessible only by automated mechanical car parking systems are not required to comply with CALGreen Code section 4.106.4 and A5.106.5
- (c) Hardship or infeasibility exemption. If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility.
- (1) *Application.* Based on the following, the applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. The applicant may not petition for relief from any requirement of the 2022 California Energy Code (Title 24, Part 6) and referenced standards, or the 2022 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code. Circumstances that constitute hardship or infeasibility shall include one of the following:
 - a. That the cost of achieving compliance is disproportionate to the overall cost of the project;
 - b. That strict compliance with these standards would create or maintain a hazardous condition(s) and present a life safety risk to the occupants;
 - c. There is a conflict between the provisions of the applicable green building rating system and the California Building Standards Code, other state code provisions, other requirements of this title or conditions imposed on the project through a previously approved planning application;
 - d. That compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures as regulated by the California Historic Building Code (Title 24, Part 8).

- (2) *Granting of exemption.* If the chief building official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the 2022 California Energy Code (Title 24, Part 6) and referenced standards, or the 2022 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied, such as reducing comparable energy use at an off-site location within the county. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.
- (3) *Denial of exception.* If the chief building official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied, and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.
- (4) *Appeal.* Any aggrieved applicant or person may appeal the determination of the chief building official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. An appeal of a determination of the chief building official shall be filed in writing and processed in accordance with the provisions of Section 15.04.028 of this code."

SECTION 3. CEQA.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The Town Council finds and determines that the adoption of this Ordinance is exempt from CEQA in accordance with Sections 15307 and 15308 because this Ordinance constitutes action by a regulatory agency to protect natural resources and the environment. The Ordinance will establish regulations to further energy efficiencies and efficient use of natural resources to reduce adverse impacts to the environment, consistent with the Town Council's adopted Climate Action Plan. Pursuant to the "common sense" exemption under CEQA Guidelines section 15061(b)(3), there is no possibility that this Ordinance might have a significant adverse effect on the environment. The Ordinance establishes regulations to minimize and/or avoid impacts to the environment and to protect the health, welfare, and safety of the Town's citizenry. The Town has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant adverse effect on the environment due to unusual circumstances (CEQA Guidelines section 15300.2). At the time of future development proposals, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations.

SECTION 4. Validity & Severability.

A. Except as specifically provided herein, nothing contained in this Ordinance shall be deemed to modify or supersede any prior enactment of the Town Council which addresses the same subject addressed herein.

B. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council of the Town of Fairfax 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 5. Ordinance Publication and Effective Date.

A. Within fifteen (15) days after its adoption, this Ordinance shall be posted in at least three public places in the Town of Fairfax as provided in Government Code 36933 and a certified copy of the full text of this Ordinance shall be posted in Town Hall.

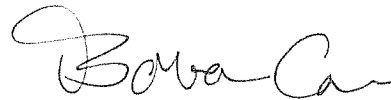
B. This Ordinance shall go into effect thirty (30) days after its adoption.

C. The Town Clerk shall cause Section 2 of this Ordinance to be codified in the Fairfax Municipal Code.

D. This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission within thirty (30) days after its final passage.

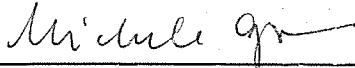
THE FOREGOING ORDINANCE was first read at a regular meeting of the Fairfax Town Council on November 2, 2022 and was passed and adopted at a regular meeting of the Town Council on December 7, 2022, by the following vote, to wit:

AYES: Ackerman, Blash, Coler, Cutrano, Hellman
NOES: None
ABSENT: None



Barbara Coler, Vice Mayor

Attest:



Michele Gardner, Town Clerk

EXHIBIT "A"

FINDINGS OF FACT IN SUPPORT OF ORDINANCE NO. 872 ENTITLED "AN ORDINANCE OF THE TOWN OF FAIRFAX AMENDING CHAPTER 15.04 OF THE TOWN CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12), WHICH CONSISTS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, WITH CERTAIN LOCAL AMENDMENTS THERETO, AND ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN LOCAL AMENDMENTS THERETO"

Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the Town Council of the Town of Fairfax has determined and finds that all the changes or modifications in this ordinance to the California Building Standards Code (California Code of Regulations, Title 24) are necessary because of the following local climatic, geological, and/or topographic conditions:

1. CLIMATIC:

a. Precipitation. The normal year's rainfall is approximately 30 to 50 inches on the average calendar year. The area has been subject to extended periods of drought and less than normal rainfall as well as intense rains, which have caused local flooding and damage from geotechnical failure (landslides). Approximately ninety percent (90%) of the annual rainfall is experienced during the months of November through April, and 10% from May through October.

b. Relative Humidity. Moisture in the air, also known as relative humidity, changes significantly during any given day. Humidity generally ranges from 50% during daytime hours to 85% at night. It drops to 30% during the summer months and occasionally drops lower. During periods when the area experiences easterly hot, dry winds, the relative humidity drops significantly, thus creating a greater danger.

c. Temperatures. Average summer highs are in the 75 degree to 85 degree range. There are weather periods where temperatures can rapidly reach 100 degrees and have been recorded even higher.

d. Winds. Prevailing winds are generally from the West. However, winds are experienced from virtually every direction at one time or another, due to topography. Velocities are generally in the 5 – 15 mph range, gusting to 10 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

e. Summary. The climate (weather patterns) within the Town of Fairfax is predominantly affected by the marine influence of the Pacific Ocean. During the summer months, the southerly exposed slopes and open fields become dry with seasonal grasses, which present a fuel for the rapid spread of fire. The Northerly slopes are heavily wooded and present a moderate to heavy fuel load with respect to fire danger. These local climactic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions. Furthermore, winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another and wildland areas. All water

storage and supply comes from reservoirs and lakes within the county, and are affected by the climate accordingly.

2. GEOGRAPHICAL and TOPOGRAPHICAL:

a. Geographical Features. The geographical features in and around the Town of Fairfax are a source of enjoyment for our residents. The hills and valleys give a natural beauty to the area with forested hills and golden yellow meadows leading up to them. These geographic features form the backdrop for the residential and commercial communities and dictate the locations of roadways and building locations. These geographic features also create barriers, which negatively affect accessibility and influence fire behavior during major conflagrations. Many structures (new and old) are constructed of highly combustible material, which offer little resistance to fire and could contribute to the spread of fire. For practical and cost reasons, new structures are built of wood (type V) construction. The potential for conflagration exists with the density of the various specific areas of the Town. The concentrated commercial, as well as residential occupancies, causes concern when considering the "exposure" elements of building to building to grass and brush areas of the Town.

b. Seismic Location. The Town of Fairfax lies within the recognized seismic zone #4, which is the most dangerous zone. While the area has experienced several significant seismic events, there has been a minimum of damage. The Town sits between two active earthquake faults (San Andreas and Hayward) and numerous potentially active faults. The potential for great damage exists, and must be considered as a real threat to be planned for.

c. Size and Population. The Town of Fairfax encompasses an area of 2.2 miles with a resident population of approximately 7,500. The Town is served by the Ross Valley Fire Authority. Ross Valley Fire has four (4) stations (two of which are in San Anselmo, one in Fairfax, and one in Ross), 34 fire personnel (serving the Town of Fairfax, San Anselmo, Ross and the Sleepy Hollow Fire Protection District), with diverse responsibilities including wildland, urban, and paramedical.

d. Roads and Streets. Several of the heavily populated areas have limited roadways and escape routes. The Town of Fairfax has numerous narrow, winding roads, some barely passable with modern fire apparatus, causes access problems and extended travel times especially in the older hillside sections of the jurisdiction. The accessibility for fire department apparatus is of concern due to the lack of turnouts and roadway widths which increases response time.

e. Topography. The Department's service area is a conglomeration of oak plains, hills, valleys and ridges. The flatter lands are found in the center portion of the service area and approximately half of the residential development is in this area. The other half of the service area with residential development consists of hillsides with slopes ranging from approximately 15-30% and 30+%. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush covered slopes; narrow winding streets used by residents of the area and the Fire Department for ingress and egress, steep hills which hinder Fire Department response time; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas. The water supply for domestic and fire flow systems within this Town are directly affected by the topographical layout of the Town. The supply of water comes from lakes, which are managed by a public utilities district responsible for maintaining an adequate supply. The water distribution system within the Town is very old in some areas served by mains, which are inadequate in size to provide water for fire protection. The valley floor is served by mains which contain an exceptionally large volume of water for fire protection. The

Town of Fairfax has a base elevation of approximately 120 feet and extends to areas in excess of 900 feet above sea level.

f. Vegetation. The Town Council recognizes that the Town of Fairfax has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. In addition, the natural vegetation of the area has been altered by the addition of ornamental trees and shrubs, which are not native and add fuel around the houses and buildings of our community. The south facing exposure is primarily annual grasses, highly flammable brush, with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class. Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view. Of particular recent notice is the increase in dead down fuel and ladder accumulation directly associated with the sudden oak death syndrome.

g. Summary. The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Fire Department.

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The valley floor has zones recognized by the Federal Emergency Management Agency as flood zones. During times of intense rainfall, flooding and landslides have occurred which have destroyed structures and threatened lives. Within the past decade, these events have caused the local government to declare disasters and seek state and federal assistance.

Some of the existing structures in the commercial areas of the Town lack the required firewall separation. These structures cause concern to the Fire Department because of the potential for major conflagration. As these structures are replaced, the exposure potential will be significantly reduced.

Several other variables may tend to intensify an incident, such as, the extent of damage to the water system; the extent of roadway damage and/or amount of debris blocking the roadways; climatic conditions (hot, dry weather with high winds); time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and the availability of timely mutual aid or military assistance.

Conclusion: The Town Council of the Town of Fairfax hereby finds and determines that as a result of these conditions and the resulting health and safety hazards, the changes and modifications to the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, thereto enacted by Chapter 15.04 of the Town Code are reasonably necessary as listed in the table below:

Chapter 15.04

Amendments to the California Building Code

Town Code Section	CBC Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.015	202	Add definition of "Substantial Remodel" and "Second Unit."	Admin
15.04.020	701A.1	Scope	Admin
	701A.3	Application	Admin, 1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	707A.3.2	Requirement for compliant coverings when more than 50% of exterior wall coverings are repaired or replaced within 36 months	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	903.2	Automatic Sprinkler Systems in New Buildings—Where Required	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	903.3	Add language regarding continued allowance of provisions for area and height increase, or Fire-Resistive substitution otherwise allowed by Building Code sections 504 and 506; requirement that attached garages and attics be sprinkled	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	906.11	Fire Extinguisher Documentation	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	907.2	Add paragraphs relating to "New Construction" and "Existing Construction"	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	907.8.1	Smoke Alarm Documentation	2a, 2b, 2c, 2d, 2e, 2g

15.04.025	109.2	Requirement for plan review fee to be paid at time of document submittal	Admin
15.04.030	1505.1	Roof coverings, add language requiring Class A Roof Assembly	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
15.04.045	109.7	Reinstatement of expired permits lacking only final inspection for a fee	Admin
15.04.055	1511.9.2	Alternative Power Supplies for photovoltaic panels to comply with CBSC requirements	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
15.04.060	701	Requirement that buildings constructed in Wildland Urban Interface areas comply with 2018 Edition of Wildland Urban Interface Code as adopted under Municipal Code Chapter 8.06	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g

Chapter 15.04

Amendments to the California Residential Code

Town Code Section	CRC Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.015	R202	Add definition of "Substantial Remodel" and "Second Unit."	Admin
15.04.020	R337.1.1	Scope	Admin
	R337.1.3	Application	Admin, 1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	R337.7.3.2	Requirement for compliant coverings when more than 50% of exterior wall coverings are repaired or replaced within 36 months	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	R313.1/R313.2	Approved Automatic Sprinkler Systems in New Buildings—Where Required	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
	R313.1.1/R313.2.1	Add language regarding continued allowance of provisions for area and height increase, or Fire-Resistive substitution otherwise allowed by Building Code sections 504 and 506; requirement that attached garages and attics be sprinkled	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
15.04.030	R902.1	Roof coverings, add language requiring Class A Roof Assembly	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
15.04.035	Appendix AX	Swimming Pool Safety Act, to the extent it does not conflict with CBC	2c, 2d
15.04.045	R108.7	Reinstatement of expired permits lacking only final inspection for a fee	Admin
15.04.055	R324.7.4	Alternative Power Supplies for photovoltaic panels to comply with CBSC requirements	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g

Chapter 15.04 Plumbing Code

Town Code Section	CPC Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.040	713.1	Requirement to have connection to public sewer, exception for existing septic tank systems	1a, 1b

Chapter 15.04 International Building Code

Town Code Section	IBC Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.035	3109	Swimming Pool Safety Act, to the extent it does not conflict with CBC	2c, 2d

Chapter 15.04 Energy Code

Town Code Section	CENC Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.070	100.0	Single-Family Building Remodel Energy Reach Code	Admin
	100.1(b)	Add definitions for "All-Electric Building," "All-Electric Design," "Covered Projects," and "Mixed-Fuel"	Admin
	150	Single-Family Residential Buildings – Mandatory Features and Devices	Admin
	150.0(w)	Requirements for a Covered Project	Admin

Chapter 15.04

CALGreen Code

Town Code Section	CALGreen Section Added or Amended	Substance of Amendment (full text in Ordinance No. 872)	Findings
15.04.080	202	Add definitions ALMS, DCFC, EVCS, EV-Ready Space, EV Capable Space, L1, L2, Off-Street Loading Spaces	Admin
	301.1	Scope	Admin
	301.1.1	Additions and Alterations	Admin
	301.3	Nonresidential Additions and Alterations	2a, 2c, 2d, 2e, 2f, 2g
	4.106.4	EV Charging	2a, 2c, 2d, 2e, 2f, 2g
	4.106.4	Multifamily Dwellings with Parking Facilities	2a, 2c, 2d, 2e, 2f, 2g
	4.106.4.3	EVCS	2a, 2c, 2d, 2e, 2f, 2g
	4.106.4.4	DCFC	2a, 2c, 2d, 2e, 2f, 2g
	5.106.5.3	EV Charging	2a, 2c, 2d, 2e, 2f, 2g
	A5.106.5	EV Charging	2a, 2c, 2d, 2e, 2f, 2g
	A5.106.5.3	Nonresidential Occupancies – Shared Parking Facilities	2a, 2c, 2d, 2e, 2f, 2g
	A5.106.5.4	DCFS	2a, 2c, 2d, 2e, 2f, 2g
	5.106.5.4	EVC Readiness: Medium-Duty and Heavy-Duty	2a, 2c, 2d, 2e, 2f, 2g

	5.106.5.4.1	Warehouses, Grocery Stores, and Retail Stores with Planned Off-Street Loading Spaces	2a, 2c, 2d, 2e, 2f, 2g
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