

draft
ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY OF BRISBANE TO BE ADOPTED
AS OF NOVEMBER 17, 2022 AND TO TAKE EFFECT ON JANUARY 1, 2023
TO AMEND BRISBANE MUNICIPAL CODE TITLE 15 - BUILDINGS AND CONSTRUCTION,
CHAPTER 15.04 - ADOPTION OF CONSTRUCTION CODES AND
CHAPTER 15.44 - FIRE PREVENTION CODE, ADOPTING THE 2022 CALIFORNIA
BUILDING STANDARDS CODES AND THE 2021 INTERNATIONAL PROPERTY
MAINTENANCE CODE, WITH CERTAIN LOCAL MODIFICATIONS, INCLUDING
ELECTRIFICATION PROVISIONS FOR NEW BUILDINGS;
AMEND CHAPTER 15.84, ELECTRIC VEHICLE INFRASTRUCTURE; AND
REPEAL CHAPTERS 15.08 - ORGANIZATION AND ENFORCEMENT, 15.12 - PERMITS AND
FEES, 15.16 - INSPECTIONS, 15.20 - CERTIFICATES OF OCCUPANCY, 15.81 - ON-SITE
ENERGY GENERATION, AND 15.83 - BUILDING ELECTRIFICATION**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: The City Council finds and determines that:

- A. The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being categorically exempt per CEQA Section 15308, Actions by Regulatory Agencies for Protection of the Environment.
- B. The 2022 Edition of the California Building Code (CBC) becomes effective state-wide on January 1, 2023 and City's adoption of the CBC is necessary in that it allows for enforcement of the CBC under existing and subsequently adopted enforcement provisions of the Brisbane Municipal Code.
- C. The City adopted a Climate Action Plan on September 17, 2015, which includes the goal of reducing carbon emissions from fossil fuels to help curb global warming. Methods include increasing substituting renewable energy for fossil fuel energy sources. The following are primary means to reduce fossil fuel emissions:
 1. Building electrification versus use of fossil fuels.
 2. Power generation via solar energy.
 3. Reduction in the fossil fuel emissions from transportation
- D. California Health and Safety Code Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 authorize the City to make local amendments to the provisions in the California Building Standards Code upon express findings that the local amendments are reasonably necessary due to local climatic, geological, topographical, and/or environmental conditions.
- E. By reason of the following climatic, geological, topographical, and environmental conditions, summarized in Exhibit A attached and incorporated to this ordinance, it is necessary to adopt certain local amendments to the CBC in order to provide a high level of fire, health, and life safety for all persons who live and work within the City of Brisbane and to adequately protect both public and private property within the City:
 1. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in sea level rise, that could put at risk City homes and businesses, public facilities, and Highway 101.

2. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions.
3. Electric vehicle (EV) charging installations may help the City of Brisbane reduce its share of the GHG emissions that contribute to climate change.
4. All-electric new buildings benefit the health, safety, and welfare of Brisbane residents and requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in Brisbane.
5. The local amendments for all-electric new buildings are consistent with the goals of the Green Building Code and help achieve the following:
 - Reduce the use of natural gas in buildings which improves indoor environmental quality and health and welfare;
 - Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time;
 - Promote the health and welfare of residents, workers, and visitors to the City; and
 - Increase electric vehicle charging infrastructure to encourage electric vehicle adoption which in turn reduces greenhouse gas emissions and improves air quality and health and welfare.
6. The City is located near the San Andreas Fault and is subject to seismic activity that could potentially result in ground shaking and damage to structures, via shaking, slope failure, and liquefaction and potentially ignite fires throughout the City.
7. The City of Brisbane is located along the eastern slope of San Bruno Mountain, immediately adjacent to a protected habitat conservation area which is subject to wildland fires due to existing vegetation and a temperate climate with dry summer months. These factors create a substantial safety hazard to nearby residences and the natural environment. The City's existing development and vacant sites along eastern slope of San Bruno Mountain may be subject to slope movement resulting in potential hazards related to slope stability.
8. The City regularly experiences strong winds, with average velocities ranging from approximately 15 to 25 miles per hour and reaching high velocities of 50 miles per hour and these winds may significantly contribute to the spread of fire and increase the difficulty of fire suppression in the City or otherwise impact structures, such as patio covers.
9. The elimination of natural gas infrastructure in new buildings would reduce fire hazards in buildings near highly combustible wildland areas and the reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.
10. Certain hillside areas of the City contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipment in the event of an emergency.
11. Numerous dwellings located within the upper hillsides can only be reached by means of private access ways which may not be adequately constructed or maintained for access by Fire Department vehicles.
12. Brisbane has a predominance of small lots, with many being in range of 2,500 to 5,000 square feet, and sound transmission from one lot can readily impact neighboring lots. The close proximity of the lots on steep topography could also exacerbate the impacts in the event of a structural or grading failure.

13. The City's topography, combined with its proximity to U.S. Interstate 101, which runs through its eastern edge, and its proximity to San Francisco International Airport (SFO), located approximately 2 to 3 miles to the south, results in sound transmission from these sources throughout the City.
 14. Brisbane's small residential lots on steep hillsides pose hazards of accidents associated with swimming pools due to the close proximity between the swimming pools and residences.
 15. Brisbane has a large number of existing older buildings and structures, many of which were built without the benefit of building codes being in effect at the time, and the above outlined climatic, geological and topographic conditions combine to create hazardous conditions to these structures.
- F. In 2017, Brisbane adopted an energy reach code, which included cool roof and solar energy provisions for both residential and nonresidential new development, known as the City of Brisbane Electric Onsite Energy Generation Ordinance and the following is noted:
1. Brisbane's previously adopted cool roof provisions were superseded by the California Energy Code in 2019.
 2. Brisbane's previously adopted residential and nonresidential solar energy provisions have been superseded by increasing requirements of the 2022 California Energy Code for solar power generation.
 3. The City of Brisbane Electric Onsite Energy Generation Ordinance is no longer necessary and should therefore be repealed.
- G. In 2019, Brisbane adopted an energy and GHG emissions reach code, which included provisions for all-electric new buildings, known as the City of Brisbane Building Electrification Ordinance, and the following is noted:
1. The City of Brisbane Building Electrification Ordinance amended the 2019 California Energy Code.
 2. Energy efficient buildings promote public health and welfare by reducing carbon emissions and providing for lower cost and more sustainable buildings.
 3. By reason of express findings summarized in Exhibit A, it is necessary to reaffirm adoption of certain provisions contained within Brisbane's 2019 Building Electrification Ordinance again in 2022.
 4. The amendments to the 2022 California Green Building Standards Code, Title 24, Part 11, contained within Section 4 of this ordinance are sufficient to replace the provisions contained within the City of Brisbane Building Electrification Ordinance, which can therefore be repealed.
- H. In 2019, Brisbane adopted an energy and GHG emissions reach code, which included EV charger and EV parking regulations for new development projects, known as the City of Brisbane Electric Vehicle Infrastructure Ordinance, and the following is noted:
1. Use of fossil fuel vehicles is a primary contributor to transportation emissions and availability of EV charging infrastructure is a critical component to EV adoption over the continued use of fossil fuel reliant vehicles. Additionally, provision of EV charging

infrastructure is most cost effective as part of new development projects versus existing building/site retrofit projects.

2. The provisions within Brisbane's EV Infrastructure Ordinance exceed the EV infrastructure provisions required by the 2022 California Building Standards Code as well as the latest EV infrastructure reach codes proposed by the Bay Area Reach Codes Coalition.
 3. By reason of express findings E.1 and E.3 noted above, it is necessary to reaffirm adoption of Brisbane's 2019 Electric Vehicle Infrastructure Ordinance again in 2022.
- I. Government Code, section 36937 allows a city to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health, or safety upon a finding of facts constituting the urgency thereof.

SECTION 2: Section 15.04.010 of the Brisbane Municipal Code is amended to read as follows:

15.04.010 Purpose and authority.

The purpose of this chapter is to adopt by reference the 2022 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Brisbane. This chapter is adopted under the authority of Government Code Section 38660 and Section 50022.2 and Health and Safety Code Section 18941.5.

SECTION 3: Section 15.04.020 of the Brisbane Municipal Code is amended to read as follows:

15.04.020 Citation.

This chapter shall be known as the Brisbane Construction Code or Building Code of the City of Brisbane, and may be cited as such, and will be referred to herein as "this code."

SECTION 3: Section 15.04.040 of the Brisbane Municipal Code is amended to read as follows:

15.04.040 Adoption of construction codes.

- A. Title 24 of the California Code of Regulations, 2022 Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:
1. 2022 California Administrative Code, Title 24, Part 1.
 2. 2022 California Building Code, Volumes 1 and 2, based on the 2021 International Building Code (ICC), Title 24, Part 2, including Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.
 3. 2022 California Residential Code, based on the 2021 Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act.
 4. 2022 California Electrical Code, based on the 2020 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
 5. 2022 California Mechanical Code, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.

- 6. 2022 California Plumbing Code, based upon the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
- 7. 2022 California Energy Code, Title 24, Part 6.
- 8. 2022 California Historical Building Code, Title 24, Part 8.
- 9. 2022 California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
- 10. 2022 California Existing Building Code based on the 2021 International Existing Building Code Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24.
- 11. 2022 California Green Building Standards Code, Title 24, Part 11.
- 12. 2022 California Referenced Standards Code, Title 24, Part 12.

B. The 2021 International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

SECTION 4: Section 15.04.043 and 15.04.47 are added to the Brisbane Municipal Code to read as follows:

15.04.043 Amendments to the California Building Standards Code

The 2022 California Building Code (CBC), California Residential Code (CRC), and California Green Building Standards Code (CALGreen) are hereby amended as follows:

- A. CBC Section 101.1 is amended to read as follows:
 - [A] 101.1 Title.

These regulations shall be known as the Building Code of the City of Brisbane, hereinafter referred to as "this code."
- B. CBC Section 102.6.3 is added to read as follows:
 - [A] 102.6.3 Buildings or structures moved into city.

Any building or structure moved into the city, within the jurisdiction of the building official, shall meet the standards required by the construction codes for new buildings and structures.
- C. CBC Section 102.7 is added to read as follows:
 - [A] 102.7 Additions, Alterations, and Major Rebuilds to Existing Buildings.

Additions, alterations, or repairs to any building or structure shall comply with the provisions set out in this code, except as otherwise required in Chapter 15.10 of Title 15.
- D. CBC Section 103.1 is amended to read as follows:
 - [A] 103.1 Enforcement Agency.

The Community Development Department is the official in charge thereof and shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- E. Small Residential Rooftop Solar Permit Streamlining.
 - 1. CBC Section 105.3.1.1 is added to read as follows:

105.3.1.1 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

2. CRC Section R105.3.1.2 is added to read as follows:

R105.3.1.2 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

F. Electric Vehicle Charging Station Permit Streamlining.

1. CBC Section 105.3.1.2 is added to read as follows:

105.3.1.2 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

2. CRC Section R105.3.1.3 is added to read as follows:

R105.3.1.3 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

G. CBC Section 109.4 is deleted in its entirety and replaced to read as follows:

[A] 109.4 Work commencing before permit issuance.

Any person who commences any work before obtaining the necessary permits shall be subject to a penalty fee established by the building official that is up to ten (10) times the amount of the required permit fee, in addition to the required permit fees.

The payment of penalty fees for commencing work without a permit shall not relieve any person from fully complying with the requirements of this code or the construction codes in the execution of the work; and the payment of such fees shall not relieve any person from any other fines or penalties that may be imposed pursuant to any other provisions of this title.

H. CBC Section 114.4 is amended to read as follows:

[A] 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall constitute a misdemeanor, punishable by the fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of Title 1. The penalties set forth herein are cumulative and shall not preclude the imposition of any other fine or penalty otherwise permitted by law, including a penalty fee for commencing work without a permit as prescribed by this code.

I. CBC Section 1505.1.2 is amended to read as follows:

1505.1.2 Roof coverings within all other areas.

The entire roof covering of every existing structure where ten percent (10%) or more of the total roof area of a wood roof or fifty percent (50%) or more of the total roof area of a non-wood roof is replaced

within any one (1) year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

J. CALGreen Section 202 is amended to add definitions as follows:

ALL-ELECTRIC BUILDING. A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.

FUEL GAS INFRASTRUCTURE. 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 gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

LABORATORY. A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, instruction, research or developmental activities in medical and life sciences. The building may include a combination of scientific work areas and the supporting offices.

K. CALGreen Section 4.106 is amended to include new subsections to read as follows:

4.106.5 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

4.106.5.1. New construction. All newly constructed buildings shall be all-electric buildings.

Exceptions:

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

4.106.5.2 Requirements for combustion equipment. Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and

physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
 2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
 3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
 4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
 5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.
- L. CALGreen Section 5.106 is amended to include new subsections to read as follows:

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

5.106.13.1 New construction. All newly constructed buildings shall be all-electric buildings.

Exceptions:

Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To take advantage of this exception, an applicant shall provide third party verification that the All-electric space heating requirement is not cost effective and feasible.

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

5.106.13.2 Requirements for combustion equipment. Where combustion equipment is allowed per Exceptions under 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

15.04.047 Building permit fee.

- A. A fee for each permit issued shall be paid to the building official as set forth in CBC Section 109.
- B. All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 of this Title shall make contributions to the Brisbane public art fund in the amounts specified thereunder.

SECTION 5: Section 15.44.040 of the Brisbane Municipal Code is amended to read as follows:

15.44.040 Section 105.6.25 added—Permit fees.

Section 105.6.25 is added to the fire code, to read as follows:

105.6.25 Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as may be established from time to time by ordinance or resolution of the City Council.

SECTION 6: Section 15.44.130 of the Brisbane Municipal Code is amended to read as follows:

15.44.130 Section 710 added—Roof coverings.

Section 710 is added to the fire code, to read as follows:

710 Roof coverings. Roof coverings on all buildings shall be fire retardant non-wood materials and shall comply with the standards of the California Building Code, Class A or B, prepared or built-up roofing. Re-roofing of existing buildings which occurs within any twelve (12) month period shall comply with the foregoing requirement if the re-roofing involves fifty percent (50%) or more of the roof area in the case of a non-wood roof or ten percent (10%) or more of the roof area in the case of a wood roof.

SECTION 7: Section 15.44.150 of the Brisbane Municipal Code is amended to read as follows:

15.44.150 Section 5601.1.6 amended—General.

Section 5601.1.6 of the fire code is amended by adding the following paragraph at the end of said section:

The storage of explosives and blasting agents is prohibited in all areas of the City, except that the Fire Marshal may grant a permit to allow such storage if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

SECTION 8: Section 15.44.190 of the Brisbane Municipal Code is amended to read as follows:

15.44.190 Section 903.2.22 added—Sprinkler protection of car stackers.

Section 903.2.22 of the fire code is added to read:

Sections 903.2.22 Purpose: To establish requirements for sprinkler protection of car stackers not specifically addressed in NFPA 13.

Section 903.2.22- Car Stackers

Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 2. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2500 sq. ft. to as low as 1500 sq. ft. if

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls,
2. The car stacker areas are divided up into 1500 sq. ft. areas via 1-hour fire rated walls, and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

SECTION 9: Sections 15.44.193 and 15.44.197 are added to the Brisbane Municipal Code to read as follows:

15.44.193 Amendment to Appendix D of Section D101—Definition—Fire apparatus access road.

Appendix D of the Fire Code is amended by adding Section D101.2 to read as follows:

D101.2—Definition Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.

15.44.197 Amendment to Appendix D of Section D102—Access road exceptions.

An Exception is added to Appendix D of Section D102 of the fire code to read as follows:

Exception: When a fire department access road cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the authority having jurisdiction shall be authorized to require fire protection features in addition to those already required.

SECTION 10: Section 15.86.020 of the Brisbane Municipal Code is amended to read as follows:

15.86.020 - Purpose of chapter.

This chapter is adopted for the following purposes:

- A. To comply with California Government Code Section 65850.7 or successor legislation.
- B. To provide an expedited, streamlined permitting process for electric vehicle charging stations.
- C. To continue to address life-safety issues for electric vehicle charging stations through the building permit process.
- D. To further the purposes of Chapter 15.84 of this Code (Electric Vehicle Infrastructure) concerning the requirements for electrical vehicle charging infrastructure as part of new development projects.

SECTION 11: Section 15.86.040 of the Brisbane Municipal Code is amended to read as follows:

15.86.040 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings:

- A. "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- B. "Electronic submittal" means using the city's online portal or the internet.
- C. "Electric vehicle charging station" or "charging station" means any level of an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on January 1, 2019 or subsequently adopted amendments, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- D. "Specific adverse impact" means a significant, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- E. "Unusual circumstances" means the city's resources have been limited due to such things as response to a declaration of local emergency, natural disaster, pandemic or similar unforeseen events.

SECTION 12: Section 15.86.050 of the Brisbane Municipal Code is amended to read as follows:

15.86.050 - Application requirements and procedures.

An electric vehicle charging station shall require a building permit subject to the requirements and procedures set forth in Sections 15.86.050.A—D. These sections apply to the permitting of all electric vehicle charging stations in the city.

- A. Requirements (as set forth in Government Code, Section 65850.7 or successor legislation).
 - 1. Electric vehicle charging stations shall meet all applicable health and safety requirements imposed by the state and the city.
 - 2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive

Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

B. Application Streamlining.

1. The city's permitting procedures shall comply with Government Code Section 65850.7 or successor legislation. The City shall:
 - a. Provide an administratively adopted building permit checklist of requirements and application form that will available through the city's website.
 - b. Accept an applicant's electronic signature on all forms, applications, and other documents.
 - c. Administratively approve building permit applications that comply with all requirements.
 - d. Limit its review and requirements to those standards and regulations necessary to ensure there is no specific adverse impact on public health or safety by the proposed installation.
 - e. Complete its review of each building permit application and, except in the event of unusual circumstances, provide the applicant with written notice of the status of the application within the applicable time period prescribed in Section 65850.7 or successor legislation. This shall include one or more of the following: notice of an incomplete application with deficiencies indicated, notice of approval based on the finding provided in section 15.86.050.C.1, or notice of denial based on the finding provided in section 15.86.050.C.2.
2. Application Requirements.
 - a. As required by the building official, the applicant shall complete and submit the charging station building permit checklist, application form, plans and supplemental documentation and shall submit payment of adopted application fees to the city.
 - b. Through the application for a building permit, the applicant shall provide documentation demonstrating that the installation of an electric vehicle charging station will not have a specific adverse impact to public health and safety or any building occupants, such verification shall include but not be limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
 - c. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

C. Findings.

1. Approval. The building official shall approve a complete permit application that meets the required standards and approved checklist demonstrating that the electric vehicle charging station will not have a specific adverse impact on public health or safety.

- 2. Denial. The building official shall not approve a complete permit application where it is found that the proposed electric vehicle charging station would have a specific adverse impact upon the public health or safety and there is no known condition of approval that may be applied to mitigate the specific adverse impact given the circumstances of the application. The building official shall provide to the applicant in writing such finding when made.

D. Conditions of Approval.

- 1. If necessary to meet the finding provided in Section 15.86.050.C.1, the building official may impose condition(s) of approval, but such condition(s) shall be limited to those designed to mitigate the specific adverse impact upon the public health and safety at the lowest feasible cost.
- 2. The city shall not condition its approval on the approval of an association as that term is defined on Section 4080 of the State Civil Code.

SECTION 13: Section 15.86.060 of the Brisbane Municipal Code is amended to read as follows:

- A. An applicant may appeal the decision of the building official to the planning commission in accordance with the procedures set forth in Title 17, except that the appeal must be filed within seven (7) calendar days of the date on which the decision was rendered.

SECTION 14: Sections 15.44.230 and 15.44.240 of the Brisbane Municipal Code are deleted in their entirety.

SECTION 15: Chapters 15.08, 15.12, 15.16, 15.20, 15.81, and 15.83 of the Brisbane Municipal Code are deleted in their entirety.

SECTION 16: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 17. The City Council finds and determines that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

SECTION 18: This Ordinance shall be adopted as of November 17, 2022 but shall not be in full force and effect until January 1, 2023. The reason for the Ordinance to be adopted as an urgency ordinance is that the 2022 Edition of the California Building Code becomes effective state-wide on January 1, 2023 and it is the community’s interest of health and safety for these new provisions to be in full force and effect at that time in order to allow for enforcement of its provisions. If the Ordinance were not adopted as an urgency ordinance, the local amendment to the 2022 Edition of the California Building Code would not be in effect until mid-January 2023.

* * *

The above and foregoing Ordinance was adopted as an urgency Ordinance at a regular meeting of the City Council of the City of Brisbane held on the seventeenth day of November 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney