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ORDINANCE NO. 852-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA REPEALING AND REPLACING CHAPTERS 1 (BUILDING CODE), 2 (MECHANICAL CODE), 3 (PLUMBING CODE), 4 (ELECTRICAL CODE), 5 (INTERNATIONAL PROPERTY MAINTENANCE CODE), 6 (ENERGY CODE), 7 (GREEN BUILDING CODE), 7.5 (RESIDENTIAL CODE), 8 (HISTORICAL BUILDINGS CODE), 8.5 (EXISTING BUILDINGS CODE), 9 (REFERENCE STANDARDS) OF TITLE 8 OF THE PACIFICA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2019 CALIFORNIA BUILDING STANDARDS (CALIFORNIA CODE OF REGULATION, TITLE 24, PARTS 2, 2.5, 3, 4, 5, 6, 8, 10, 11 AND 12) AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND MAKING CERTAIN AMENDMENTS THERETO; REPEALING AND REPLACING ARTICLE 1 (CALIFORNIA FIRE CODE) OF CHAPTER 3 (FIRE PROTECTION) OF TITLE 4 OF THE PACIFICA MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA FIRE CODE (CALIFORNIA CODE OF REGULATION TITLE 24, PART 9) AND MAKING CERTAIN AMENDMENTS THERETO; AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the State of California has adopted and published the 2019 California Building Standards Code (California Code of Regulations, Title 24); and

WHEREAS, the 2019 California Building Standards Code contains, amongst other parts, the California Building Code (Title 24, Part 2), California Residential Code (Title 24, Part 2.5), California Electrical Code (Title 24, Part 3), California Mechanical Code (Title 24, Part 4), California Plumbing Code (Title 24, Part 5), California Energy Code (Title 24, Part 6), California Historical Buildings Code (Title 24, Part 8) California Fire Code (Title 24, Part 9), California Existing Buildings Code (Title 24, Part 10) and the California Green Building Standards Code (Title 24, Part 11), the California Reference Standards (Title 24 Part 12); and

WHEREAS, State law requires a new edition of Title 24 every three years; and

WHEREAS, Sections 17922, 17958, and 18941.5 of the California Health & Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code; and

WHEREAS, Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code provide that a city or county may make amendments to the California Building Standards to make changes or modifications that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Public Resources Code section 25402.1(h) (2) and section 10-106 of the Building Energy Efficiency Standards establish a process which allows local adoption of amendments to statewide energy standards that are more stringent than the statewide standards ("Reach Codes") if they are found to be cost effective, and require buildings to be designed to consume no more energy than permitted by Title 24 and approved by the California Energy Commission; and

WHEREAS, at a public meeting on July 8, 2019, the City Council received a presentation on reach codes and the City Council authorized the City Manager to submit a letter of intent to Peninsula Clean Energy committing the City to developing Reach Codes for Council's future consideration, which provide energy efficiency standards that are more stringent than statewide

standards; and

WHEREAS, a cost effectiveness study conducted by the California Statewide Codes and Standards Program, funded by the California investor-owned utilities, found that certain residential and non-residential prototypes in new construction to be cost effective for all California climate zones which included all-electric measures as part of multiple packages and that study is sufficient to justify Pacifica reach code requirements; and

WHEREAS, the City of Pacifica's consultant, TRC Advanced Energy, has performed an additional cost effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code contained in this ordinance which is attached hereto and incorporated herein as Exhibit A to this ordinance; and

WHEREAS, the City of Pacifica is comprised of a number of cul-de-sacs off of Highway 1, which divides the City into distinct districts. Each of these districts is isolated from each other by the topography of the City. The City is bordered to the west by the Pacific Ocean and to the east bay hills that separate the City from the other communities; and

WHEREAS, a series of overpasses span Highway 1. The collapse of one or more of these overpasses would greatly restrict access to the majority of the City. Highway 1 narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City. Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are steep, between 10 to 19 percent in grade, and wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas; and

WHEREAS, the City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone, as shown in the Alquist-Priolo Earthquake Fault Zone Act of 1972. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning. A major seismic event would create a Citywide demand on fire protection service, which would be beyond the response capacity of the fire department. Structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the City; and

WHEREAS, the City of Pacifica is unique in its climatic conditions. According to records found at the National Weather Service, the average yearly rainfall for the City is approximately 25" to 30", with a high of 65" in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80's to 90's Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wild land interface that surrounds the City, the potential for a major fire is high; and

WHEREAS, Pacifica is located adjacent to the Pacific Ocean and significant areas of the City are subject to extreme wave heights, severe bluff erosion and flooding which cause damage to public facilities and private property, especially during heavy rainfall and El Nino winters; and

WHEREAS, due to its proximity to the Pacific Ocean, Pacifica is at risk from a potential tsunami hazard if a major earthquake occurs in the Pacific Ocean resulting in a wave run-up. The approximate wave run-up height of 20 feet presents a risk to structures and individuals in the area, as there are approximately 900 existing dwelling units within Pacifica's tsunami run-up area, as well as important community services and facilities; and

WHEREAS, Pacifica is framed by ridges of the Coast Range on the east and is home to 37 mountain summits and peaks. Hillside stability is a critical hazard. Slope failures and superficial landslides are a significant hazard, and runoff from heavy rain or ground-shaking are most likely to activate landslides in the hilly terrain; and

WHEREAS, Pacifica is exposed to more extreme weather than elsewhere in the Bay Area, including strong winds, almost constant exposure to salt air and frequent heavy rains during the winter months. The off-shore high pressure system and upwelling of deeper, cold water just off the coast result in frequent summer fog; and

WHEREAS, adoption of this ordinance will update the City of Pacifica's building standards for all types of buildings to reflect the most recent improvements in design and construction techniques, and will provide a level of safety to building occupants intended by the State in its code adoption process; and

WHEREAS, the California Building Code, the California Residential Code, and California Fire Code have not fully addressed the climatic, geological, or topographical conditions in the City of Pacifica and as such, amendments are necessary to address the climatic, geological and topographical, climactic considerations identified herein; and

WHEREAS, the City Council of Pacifica is not required to make an express finding for amendments necessary to carry out the application of the Building Standards Code and/or that do not otherwise modify a Building Standard; and

WHEREAS, certain amendments to the California Building Standards Code have been recommended by the Pacifica Fire Marshal; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council held on November 12, 2019 and November 25, 2019, including any supporting reports by City staff, and any information provided during public hearings and the City has given proper notice of the adoption of the various building codes and standards by reference pursuant to California Government Code sections 50022.2 and 50022.3.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this ordinance.

Section 2. Environmental Review. The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of this ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as

actions by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

Section 3. Local Amendments. The City Council of the City of Pacifica expressly finds and declares in accordance with Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code that the amendments, additions, and deletions to the California Building Standards set forth below are reasonably necessary because of the local climatic, geological, and topographical conditions described above and more specifically identified in the findings attached hereto and incorporated herein as Exhibit B to this ordinance.

Section 4. Cost Effectiveness. The City Council finds that a cost effectiveness analysis conducted by the California Statewide Codes and Standards Program and funded by the California investor-owned utilities are sufficient to justify Pacifica reach code requirements contained in this ordinance and are cost effective. TRC Advanced Energy has performed an additional cost effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code. Based on these studies and analysis the City Council finds that the local amendments to the California Energy Code contained in this ordinance are cost effective and will require buildings to consume no more energy than permitted by the California Energy Code, Title 24, Part 6.

Section 5. Repeal of Chapter 1 of Title 8. Chapter 1 ("Building Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 6. Replacement: Adoption of Chapter 1 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 1 to read as follows:

"CHAPTER 1 BUILDING CODE

Section 8-1.01 – Adoption of the California Building Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 35, including Chapter 1 Division II Scope and Administration, Appendix C ("Group U – Agricultural Buildings"), Appendix G ("Flood-Resistant Construction"), Appendix I (Patio Covers) and Appendix J ("Grading"), of that certain Code designated as the California Building Code, 2019 Edition [CCR Title 24, Part 2], which incorporates and amends the 2018 Edition of the International Building Code published by the International Code Council and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City. A new Chapter 1 ("Building Code") of Title 8 ("Building Regulations") is hereby added to the Pacifica Municipal Code to read as follows:

Section 8-1.02 – Amendments: Section 1.11.2.1 ("Enforcement")

Section 1.11.2.1.1 of Chapter 1, Division I shall be amended to read as follows:

The City of Pacifica specifically delegates the enforcement of building standards adopted by the State Fire Marshal, and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of the City of Pacifica.

Section 8-1.03 – Amendments: Section 113 ("Board of Appeals")

Section 113 shall be amended to read as follows:

Section 113.1 General. Whenever reference is made in any provision of Title 8 ("Building Regulations") of the Pacifica Municipal Code to the "Board of Appeals," it shall mean the Emergency Preparedness and Safety Commission. The Emergency Preparedness and Safety Commission will hear appeals, and such appeals shall be processed in accordance with the provisions of Section 113 of the Pacifica Building Code.

Section 8-1.04 – Amendments: Section 105.3.3 ("Application for a Permit")

Section 105.3.3 shall be added to read as follows:

Section 105.3.3 Improvements Required Prior to the Issuance of Building Permits and Exceptions.

The City Engineer shall require, prior to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the City where such permit is required and where no public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities exist, the construction of such public improvements along such property, constructed in accordance with the City of Pacifica's Engineering Standards, as part of the construction of such structure or improvements.

Exceptions:

- (1) When it is not practical to establish grades prior to the completion of construction of the structure, the City Engineer may require an executed agreement by the property owner stating he/she will construct public improvements, including street paving, sidewalks, gutter and/or curb and miscellaneous facilities at such time as the City may deem it feasible.
- (2) Sidewalks shall not be required prior to the issuance of a building permit for the construction of any structure or improvements upon unimproved property in areas where the Council has, by resolution, deemed that sidewalks are not required. The City Engineer may require an executed agreement by the property owner stating he/she will construct the improvements at such time the City may again require them.

Section 8-1.05 – Amendments: Section 105.5 ("Expiration").

Section 105.5 shall be amended to read as follows:

105.5 Expiration of Permit—Generally. Except as set forth in Section 105.5.1, every permit issued for property within the City of Pacifica shall expire by limitation and become null and void as follows:

- (1) If work authorized by such permit is not commenced within 12 months from the issuance date of such permit.
- (2) If work authorized by such permit is commenced within 12 months from the issuance date of such permit, such permit shall expire by limitation and become null and void 180 days after the date of the last successful inspection by the City's Building Division. For purposes of this section, "successful inspection" shall mean a required inspection (as provided in Section 110.3 of this Code or elsewhere in this Code) in which work inspected was determined by the Building Official or his/her designee to meet all applicable minimum code requirements and the inspection was documented as successful.
- (3) Notwithstanding any provision of Subsections 105.5(A)(1) and 105.5(A)(2), no permit shall be extended, and therefore, no permit shall be valid, for any period exceeding two (2) years from the original date of issuance.

In the event of permit expiration, before work authorized by the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a "renewal permit"). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or Chief Planning Official. The applicant must pay all applicable fees, including but not limited to, a plan check fee and building permit fees, in the amount then established by resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by the Building Division to determine compliance of existing conditions and materials with this Code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.

In the event of permit expiration, any work performed under that permit is "unpermitted" as defined in Section 113.1 of this chapter, and is subject to the legalization provisions of Section 117 of this chapter.

Section 8-1.06 – Amendments: Section 105.5.1 ("Expiration of Permit for Unpermitted Structures or Grading")

Section 105.5.1 shall be added to read as follows:

Section 105.5.1 Expiration of Permit for Unpermitted Structures and Grading. Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an "unpermitted structure" or "unpermitted grading" (as each of these terms are defined in Section 114.1.1 and 114.1.2, respectively, of this chapter) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the date on which the permit was issued. The Building Official may, in his or her sole discretion, extend the validity of the permit for a period not exceeding 180 days

beyond the initial 60 day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit, if the Building Official determines that substantial progress has been made toward completing the work authorized by the permit.

Section 8-1.07 – Amendments: Section 105.6 ("Suspension or Revocation")

Section 105.6 is hereby deleted in its entirety, and a new section 105.6 is hereby added to read as follows:

105.6 Suspension or Revocation of Permit. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building and Safety Division, and/or where work is not in accordance with the direction of the Building and Safety Division.

Section 8-1.08 Amendments: Section 105.8 ("Hours of Construction")

Section 105.8 shall be added to read as follows:

Section 105.8 Hours of Construction: The hours of construction for any project for which a building permit is required within the City of Pacifica shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Section 8-1.09 – Amendments: Section 109.4 ("Work Commencing before Permit Issuance")

Section 109.4 is hereby deleted in its entirety, and a new section 109.4 is hereby added to read as follows:

109.4 Work Commencing Before Permit Issuance. Whenever any work for which a permit is required by this Code has been commenced without first obtaining such permit, an investigation and processing fee equal to the amount of the required permit fee or as otherwise established by the most current fee schedule adopted in the City of Pacifica Municipal Administrative Policy No. 2 shall be collected at the time of application for the required permit and prior to the issuance of the required permit, irrespective of whether a permit is subsequently issued.

Section 8-1.10 – Amendments: Section 111.2.1 ("Certificate Issued")

Section 111.2.1 shall be added to read as follows:

111.2.1 Improvements Prior to Occupancy of Structures and Utility Service Exceptions.

- (a) No new structure for which a building permit is required shall be occupied or otherwise used, nor shall utility services be supplied thereto, until such public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities required by Section 105.3.3 have been installed and approved by the City Engineer and until such time as the Planning Director has been satisfied that all planning department requirements for the project have been met.
- (b) When it is, in the opinion of the City Engineer and/or the Planning Director, not practicable to complete public improvements including street paving, sidewalk, gutter and/or curb, miscellaneous facilities or planning department conditions prior to completion of construction of the structure, a completion bond in an amount determined by the City Engineer and/or Planning Director to be adequate to insure completion shall be posted for the completion of the required improvements.

Exception: The Building Official may authorize the installation of gas and/or electric utilities in buildings for the purpose of testing equipment prior to completion of construction when the Building Official has determined that such utilities are necessary for the testing of required equipment prior to the final inspection of the building.

Section 8-1.11 – Amendments: Section 113 ("Board of Appeals")

Section 113 is hereby deleted in its entirety, and a new section 113 is hereby added to read as follows:

Section 113 Board of Appeals

113.1 Scope of Appeal.

- (a) Notwithstanding the provisions of the Technical Codes, an appeal is limited to the following orders, decisions, or determinations of the Building Official or his/her designee:
 - (1) Denials of the proposed use of alternative materials, design or method of construction, installation, and/or equipment;
 - (2) Orders to Vacate and/or Not Enter a building, structure or premises; however, such order shall not be stayed during the pendency of the appeal;
 - (3) Orders to Demolish a building or structure; however, an order to vacate that may be issued in conjunction with the Order to Demolish shall not be stayed during the pendency of the appeal.
- (b) The right of appeal shall not exist for determinations of the Building Official, or a designee thereof, that a violation of any provision of the Technical Codes exists in a building or structure, or portion thereof, or on any premises.

113.2 Appeal Procedure.

Any person who is aggrieved by an order, decision or determination of the Building Official as provided in Section 113.1 may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of

service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding. Appeals shall be heard as follows:

- (1) Appeals shall be heard before the Emergency Preparedness and Safety Commission ("Commission"). As soon as practicable after receiving the request, the City Clerk shall set a date for the Commission to hear the appeal, which date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each party written notice of the time and place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the party personally, or by mailing a copy thereof, postage prepaid, addressed to each appealing party at the address(es) shown on the request. Continuances of the appeal hearing may be granted by the Commission on request of the appealing person for good cause shown, provided such request is made no later than 24 hours prior to the scheduled hearing, or upon request of the Building Official or his or her designee for good cause shown, or on the Commission's own motion.
- (2) At the time and place set forth in the notice of hearing, the Commission shall hear the testimony of the appealing person(s), the Building Official, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the order, decision or determination being appealed. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. Appeal hearings are informal, and formal rules of evidence and discovery do not apply.
- (3) Upon the conclusion of the appeal hearing, the Commission shall, on the basis of the evidence presented at the hearing, determine whether the order, decision or determination should be affirmed, modified, or rescinded. A copy of the Commission's written decision shall be served upon the appealing person by first class mail or by personal service. Notwithstanding any other provision of the Pacifica Municipal Code, the determination of the Commission shall be final and binding.
- (4) If the appellant fails to appear, the Commission shall cancel the hearing and send a notice thereof to the appellant by first class mail. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the order, decision or determination of the Building Official shall be final and binding.

Section 8-1.12 – Amendments: Section 114.4 ("Violation Penalties")

Section 114.4 is hereby deleted in its entirety, and a new section 114.4 is hereby added to read as follows:

114.4 Violation Penalties. Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or

excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 2 of Title 1 of the Pacifica Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

Section 8-1.13 – Amendments: Section 117 ("Procedures for Legalizing Unpermitted Structures or Grading")

Section 117 shall be added to read as follows:

117. Procedure for Legalizing Unpermitted Structures or Grading.

117.1 Permits. Any person who wishes to legalize an "unpermitted structure" or "unpermitted grading" (as each of these terms are defined in Section 114.4.1, of this Code), shall obtain all applicable permits. Unpermitted structures and grading shall comply with all current Technical Code requirements and other required approvals pursuant to the Pacifica Municipal Code in order to be legalized.

Permits obtained to legalize unpermitted structures or grading shall expire as set forth in Section 105.5 of this Code.

117.2 Plans.

117.2.1 Structures. Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director for review and approval.

117.2.2 Grading. Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official and Planning Director for review and approval.

117.3 Inspections. Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

117.4 Investigation Fees.

117.4.1 Investigation. Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, "special investigation" shall include, but is not limited to,

inspecting premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

117.4.2 Fee. A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be assessed as provided in Section 109 of this Code.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this code nor from any penalty prescribed by law.

117.5 Unpermitted Structures or Grading Which Cannot be Legalized. If the Planning Director determines that the City's zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections and approvals.

Section 8-1.14 – Amendments Section 903.1.1 (Automatic Sprinkler Systems)

Section 903.1.1 is added to read

903.1.1 Parking Garages. Areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 1. 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 fired 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 8-1.15 – Amendments: Section 903.2 ("Automatic Sprinkler Systems, Where Required")

Section 903.2 is hereby deleted in its entirety, and a new section 903.2 is hereby added to read as follows:

903.2 Required Installations.

- A. **Newly Constructed Buildings and Structures.** An automatic fire sprinkler system shall be installed in all new occupancies and locations.

Exception. Detached U Occupancies not exceeding 1,000 square feet in size, when accessory to an R-3 Dwelling.

- B. **Existing Buildings and Structures.** An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

Exception. 1. When an addition to a R-3 occupancy is less than 1,000 square feet in size and when an addition to all other occupancies is less than 500 square feet in size, no sprinklers are required in either the addition or the existing building.

2. When specifically exempted by the Fire Code Official.

Section 8-1.16 – Amendments: Section 1507.8 ("Wood Shingles")

Section 1507.8 is hereby added to read as follows:

1507.8 Wood Shingles. The use of wood shingles for roofs on new construction is prohibited. Existing wood shingle roofs may be recovered or repaired by using fire retardant treated shingles. Additions or alterations to existing structures may have wood shingles roofs of fire retardant treated shingles if the existing roof covering is of wood shingle construction

Section 8-1.17 – Amendments: Section 1507.9 ("Wood Shakes")

Section 1507.9 is hereby added to read as follows:

1507.9 Wood Shakes. The use of wood shakes for roofs on new construction is prohibited. Existing wood shake roofs may be recovered or repaired by using fire retardant treated shakes Additions or alterations to existing structures may have wood shake roofs of fire retardant treated shakes if the existing roof covering is of wood shake construction.

Section 8-1.18 – Amendments: Appendix J, Section J103.1 ("Permits Required")

Section J103.1 of Appendix J shall be amended to read as follows:

J103.1 Permits required.

- (a) Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the building official. A grading permit does not include the construction of retaining walls or other structures.
- (b) No grading, excavating or filling shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. of any day, or on Saturday or Sunday at any time, without the prior approval of the Building Official. The Building Official shall notify the Department of Public Safety whenever such approval has been granted.
- (c) The period between October 1 and April 31, inclusive, is hereby determined to be the period in which heavy rainfall normally occurs in the City of Pacifica. No grading, excavating or filling requiring a grading permit pursuant to Appendix J of the California Building Code as herein amended shall be authorized by the Building Official during that period unless he or she determines in writing that such work will not endanger the public health or safety and that appropriate erosion control devices or methods will be provided.
- (d) Any grading, excavating or filling which requires a grading permit and, having been granted said permit, either begins during or extends into the period between October 1 and April 31, inclusive, shall be protected by temporary devices to prevent erosion. Proposed erosion control devices or methods shall be submitted with the grading plans to the Building Official and approval of both the grading plan and the erosion control devices and methods must be obtained not later than September 30. All such approved erosion control devices or methods shall be installed not later than October 1 for previously approved ongoing earthwork operations. For earthwork operations approved by the Building Official to start between October 1 and April 31, inclusive, all approved erosion control devices must be in place before earthwork activities may commence.
- (e) When determined by the Building Official that a bond is required in order to insure that the work will be completed in accordance with the approved plans, specifications and conditions of approval, due to the nature, location, time of year or amount of work to be done, such bond shall be in conformance with City of Pacifica Administrative Policy No. 48. Surety bonds, cash bonds, instruments of credit or other forms of security shall comply with the provisions of City of Pacifica Administrative Policy No. 48."

Section 7. Repeal of Chapter 2 of Title 8. Chapter 2 ("Mechanical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 8. Replacement: Adoption of Chapter 2 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 2 to read as follows:

"CHAPTER 2 MECHANICAL CODE

Section 8-2.01 – Adoption of the California Mechanical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 17, including Appendix F ("Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design") of that certain Code designated as the California Mechanical Code, 2019 Edition [CCR Title 24, Part 4], which incorporates and amends the 2018 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Mechanical Code for the City."

Section 9. Repeal of Chapter 3 of Title 8. Chapter 3 ("Plumbing Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 10. Replacement: Adoption of Chapter 3 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 3 to read as follows:

"CHAPTER 3 PLUMBING CODE

Section 8-3.01 – Adoption of the California Plumbing Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 17 including Appendix A ("Recommended Rules for Sizing the Water Supply System), Appendix B ("Explanatory Notes on Combination Waste and Vent Systems"), Appendix C ("Alternate Plumbing Systems"), Appendix D ("Sizing Storm Water Drainage Systems"), Appendix E ("Manufactured/Mobile Home Parks and Recreational Vehicle Parks"), Appendix G ("Sizing of Venting Systems"), Appendix I ("Installation Standard for PEX tubing systems for Hot and Cold Water Piping Systems"), Appendix J ("Combination of Indoor and Outdoor Combustion and Ventilation Opening Design"), Appendix K ("Potable Rainwater Catchment Systems") of that certain code designated as the California Plumbing Code, 2019 Edition [CCR Title 24, Part 5], which incorporates and amends the 2018 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Plumbing Code for the City.

Section 8-3.02 – Amendments: Section 719 ("Cleanouts")

Section 719.7 is hereby added to read as follows:

719.7 Cleanouts. When a main sewer is located in the street, alley, or easement, there shall be provided a cleanout within the City right-of-way at the property line. The riser shall

be of cast iron, the same size as the drain served, brought up to grade level by a wye and branch fitting, and the top of same shall be provided with a regulation cleanout of four inch (4") minimum size within a sidewalk box, with removable cover."

Section 11. Repeal of Chapter 4 of Title 8. Chapter 4 ("Electrical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 12. Replacement: Adoption of Chapter 4 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 4 to read as follows:

"CHAPTER 4 ELECTRICAL CODE

Section 8-4.01 – Adoption of the California Electrical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 9, including Article 89, of that certain Code designated as the California Electrical Code, 2019 Edition [CCR Title 24, Part 3], which incorporates and amends the 2017 Edition of the National Electrical Code published by the National Fire Protection Association and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Electrical Code for the City.

Section 8-4.02 – Amendments: Section 89.108.4 ("Permits, Fees, Applications and Inspections")

Section 89.108.4 is hereby amended to read as follows:

89.108.4.1 Permits.

- (a) Except as exempted in paragraph (b) of this subsection, a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, movement, or alteration of any electrical system.
- (b) Consistent with the requirements of Section 17960 of the Health and Safety Code, the local enforcing agency shall enforce the requirements of this code, but shall exempt the following activities from a permit or inspection.
 - (1) Listed plug and cord connected temporary decorative lighting.
 - (2) Reinstallation of attachment plug receptacles, but not the outlets therefore.
 - (3) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.

- (4) Installation or maintenance of communication wiring, devices, appliances, apparatus or equipment.
- (5) The ordinary care and maintenance of an established installation of electrical equipment by the owner, operator, or user thereof shall not require an electrical permit, except that ordinary care and maintenance shall not be construed as including additions to such installations or other work, such as the repair or replacement of any electrical wiring, appliance, or apparatus which is a fixed part of such installation. The replacement of lamps and fuses and plug-in apparatus and the repair of plug-in apparatus and similar work shall be construed as ordinary care and maintenance

Exemptions from permit and inspection requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any other provision of law or this code.

Section 8-4.03. – Amendments: Section 300.9 ("Raceways in Wet Locations Above Grade")

Section 300.9 is hereby amended to read as follows:

300.9 Raceways in Wet Locations Aboveground. Where raceways are installed in wet locations above grade, the interior of these raceways shall be considered to be a wet location. Insulated conductors and cables installed in raceways in wet locations above grade shall comply with 310.10(C). Raceways exposed to the elements shall be of rigid galvanized, aluminum or rigid nonmetallic conduit.

Section 8-4.04 – Amendments: Section 8-4.04 ("Streamlined permitting process for small residential rooftop solar energy systems") is hereby added to read as follows.

- (a) *Purpose.* The purpose of this section is to adopt an expedited, streamlined permitting process that complies with the 1978 California Solar Rights Act and AB 2188 (Chapter 521, Statutes of 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This section allows the City to achieve these goals while protecting the public health and safety.
- (b) *Definitions.*
 - (1) *A feasible method to satisfactorily mitigate or avoid the specific, adverse impact* includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.
 - (2) *Association* means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, or as otherwise defined in Section 4080 of the Civil Code.

- (3) *City* means the City of Pacifica
- (4) *Common interest development* means any of the following:
 - (i) A community apartment project; or
 - (ii) A condominium project; or
 - (iii) A planned development; or
 - (iv) A stock cooperative.
- (5) *Electronic submittal* means the utilization of one or more of the following:
 - (i) Email; or
 - (ii) The Internet.
- (6) *Reasonable restrictions* on a solar energy system means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- (7) *Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance* means:
 - (i) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law: an amount exceeding ten (10%) percent of the cost of the system, but in no case more than One Thousand and no/100th (\$1,000.00) Dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten (10%) percent, as originally specified and proposed.
 - (ii) For photovoltaic systems that comply with state and federal law: an amount not to exceed One Thousand and no/100th (\$1,000.00) Dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten (10%) percent as originally specified and proposed.
- (8) *Small residential rooftop solar energy system* means all of the following:
 - (i) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
 - (ii) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards including paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

- (iii) A solar energy system that is installed on a single-family or duplex-family dwelling.
 - (iv) A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
- (9) *Solar energy system* means either of the following, as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code:
 - (i) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - (ii) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- (10) *Specific, adverse impact* means a significant, quantifiable, direct, and 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.
- (c) *Applicability.* This section applies to the permitting of all small residential rooftop solar energy systems in the City of Pacifica. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this section are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require a new permit. Routine operation and maintenance shall not require a permit.
- (d) *Solar energy system requirements.* All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the City, and the North County Fire Authority.
 - (1) Solar energy systems for heating water in single-family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing Code and California Mechanical Code.
 - (2) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- (e) *Submittal requirements.* All documents required for the submission of an expedited solar energy system application shall be made available on the City website and elsewhere as deemed appropriate by the Building Official.

- (1) An applicant may submit a permit application and associated documents for a small residential rooftop solar energy system by electronic submittal. As an alternative, an applicant may submit a permit application and associated documents at the Building Division counter during regular business hours.
 - (2) An applicant's electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.
 - (3) The City shall adopt a checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.
 - (4) The small residential rooftop solar energy system permit process, standard plans, and the checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
- (b) *Plan review, permit, and inspection requirements.* The Building Division shall provide a ministerial, nondiscretionary plan check review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the enactment of this section.
- (1) The Building Division shall process, review, and approve an application for the installation or use of a small residential rooftop solar energy system in the same manner as an application for review of an architectural modification to the property, and approval shall not be willfully avoided or delayed.
 - (2) The Building Official's review of an application subject to this section shall be limited to whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the Building Official, in consultation with the Planning Director, makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the City may require the applicant to apply for a use permit pursuant to the provisions of Article 33 of Chapter 4 of Title 9 of the Pacifica Municipal Code.
 - (i) The decision to require a use permit may be appealed to the Planning Commission.
 - (ii) The Planning Commission may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The

findings shall include the bases for the rejection of potential feasible alternatives of preventing the adverse impact.

- (iii) Any conditions imposed on an approval of a use permit to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible. Such conditions shall fall within the meaning of "reasonable restrictions on a solar energy system" as that term is defined in this section.
- (3) An application for a small residential rooftop solar energy system that satisfies the information requirements in the checklist described in Section 8-4.04(e)(3), as determined by the City, shall be deemed complete.
- (4) Upon confirmation by the City that an application is complete, the City shall, consistent with this section and subdivision (b) of Government Code Section 65850.5, approve the application and issue all required permits or authorizations.
- (5) The City shall not condition approval of an application for a small residential rooftop solar energy system on the approval of an association.
- (6) If the City deems an application incomplete, the City shall issue to the applicant a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance.
- (7) If an application for the installation of a small residential rooftop solar energy system is not denied in writing within forty-five (45) days from the date of receipt of the application, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.
- (8) Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review, which inspection shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, and the subsequent inspection need not conform to the requirements of this section.
- (9) A separate fire inspection may be performed by the North County Fire Authority, if required, in the event the City does not have an agreement with the Fire Authority to conduct fire safety inspections on its behalf."

Section 13. Repeal of Chapter 5 of Title 8. Chapter 5 ("2012 International Property Maintenance Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 14. Replacement: Adoption of Chapter 5 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 5 to read as follows:

**“CHAPTER 5
2018 INTERNATIONAL PROPERTY MAINTENANCE CODE**

Sec. 8-5.01 – Adoption of the 2018 International Property Maintenance Code.

For the purpose to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*, existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, Chapters 1 through 8, including Appendix A (“Boarding Standard”) of that certain code designated as the *International Property Maintenance Code*, 2018 Edition published by the International Code Council, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City.”

Section 15. Repeal of Chapter 6 of Title 8. Chapter 6 (“Energy Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 16. Adoption of Chapter 6 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 6 to read as follows:

**“CHAPTER 6
ENERGY CODE**

Sec. 8-6.01 – Adoption of the California Energy Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 9, and Appendix 1-A of the of that certain Code designated as the California Energy Code, 2019 Edition [CCR Title 24, Part 2.5], published by the California Energy Commission and as adopted by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City.

Sec. 8-6.02 – Amendments: Section 100.0 (“Scope”)

Section 100.0, subpart (e), “Sections applicable to particular types of buildings” is hereby amended to read as follows:

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

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.
EXCEPTION to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.

- A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building as defined in Section 100.1(b) unless one of the following exceptions is applicable:

EXCEPTION 1: All Residential buildings may contain non-electric Cooking Appliances and Fireplaces.

EXCEPTION 2: Public agency owned and operated emergency centers.

EXCEPTION 3: Accessory dwelling units as defined in Article 4.5 – Accessory Dwelling Units.

EXCEPTION 4: Non-residential buildings containing a for-profit restaurant open to the public may be approved at the discretion of the Building Official for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include barbeque-themed restaurants and pizza ovens. The Building Official shall grant this exception if they find the following:

1. There is a business-related reason to cook with a flame;
2. This need cannot be reasonably achieved with an electric fuel source;
3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance;
4. The applicant shall comply with the pre-wiring provision of Note 1 below.

The Building Official's decision shall be final unless the applicant files an appeal pursuant to Section 8-1.11 of this ordinance.

Note 1: If natural gas appliances are used in any of the above exceptions 1-3, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's

recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;

2. Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;

3. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range;") and

4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If any of the exceptions 1-4 are granted, the Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per CBC 104.

[SUBPARTS B-E AND TABLE 100.0A OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.03 - Amendments: Section 100.1 ("Definitions and Rules of Construction")

Section 100.1(b), "Definitions" is hereby amended by adding the following definition:

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

Sec. 8-6.04 – Amendments: Section 110.2 ("Mandatory Requirements for Space Conditioning Equipment")

Section 110.2 is hereby amended to read as follows:

SECTION 110.2 – MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT

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

[SUBPARTS A-F SHALL BE INCORPORATED OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.05 – Amendments: Section 110.3 ("Mandatory Requirements for Service Water Heating Systems and Equipment")

Section 110.3, subpart (a), "Certification by Manufacturers" is hereby amended to read as follows:

SECTION 110.3 – MANDATORY REQUIREMENTS FOR SERVICE WATER-HEATING SYSTEMS AND EQUIPMENT

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

[SUBPART (1) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.06 – Amendments: Section 110.4 ("Mandatory Requirements for Service Water Heating Systems and Equipment")

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

SECTION 110.4 – MANDATORY REQUIREMENTS FOR POOL AND SPA SYSTEMS AND EQUIPMENT

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

[SUBPARTS (A) (1-4) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.07 – Amendments: Section 110.5 ("Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited

Section 110.5 is hereby amended to read as follows:

SECTION 110.5 – NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED

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

[SUBPARTS (A)-(E) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS].

Sec. 8-6.08- Amendments: Section 110.10 ("Mandatory Requirements for Solar Ready Buildings")

Section 110.10 is hereby amended to read as follows:

**SECTION 110.10 – MANDATORY REQUIREMENTS FOR SOLAR READY BUILDINGS
AND SOLAR PANEL SYSTEM REQUIREMENTS FOR NON-RESIDENTIAL NEW
BUILDINGS**

(a) Covered Occupancies.

1. **Single Family Residences.** Single family residences located in subdivisions with ten or more single family residences and where the application for a tentative subdivision map for the residences has been deemed complete or approved by the enforcement agency, which do not have a photovoltaic system installed, shall comply with the requirements of Section 110.10(b) through 110.10(e).
2. **Low-rise Multifamily Buildings.** Low-rise multi-family buildings that do not have a photovoltaic system installed shall comply with the requirements of Section 110.10(b) through 110.10(d).
3. **Hotel/Motel Occupancies and High-rise Multifamily Buildings.** Hotel/motel occupancies and high-rise multifamily buildings with ten habitable stories or fewer shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 2.
4. **Nonresidential Buildings.** Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 2.

Table 2: Solar panel requirements for all new nonresidential and high rise residential buildings

Square footage of building	Size of panel
Less than 10,000 sq. ft.	Minimum of 3-kilowatt PV systems
Greater than or equal to 10,000 sq. ft.	Minimum of 5-kilowatt PV systems
EXCEPTION: As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet, additional to any other solar thermal equipment otherwise required for compliance with Part 6.	

(b) Solar Zone.

1. **Minimum Solar Zone Area.** The solar zone shall have a minimum total area as described below. The solar zone shall comply with access, pathway, smoke ventilation, and spacing requirements as specified in Title 24, Part 9 or other Parts of Title 24 or in any requirements adopted by a local jurisdiction. The solar zone total area shall be comprised of areas that have no dimension less than five feet and are no less than 80 square feet each for buildings with roof areas less than or equal to 10,000 square feet or no less than 160 square feet each for buildings with roof areas greater than 10,000 square feet.

A. Single Family Residences. The solar zone shall be located on the roof or overhang of the building and have a total area no less than 250 square feet.

EXCEPTION 1 to Section 110.10(b)1A: Single family residences with a permanently installed domestic solar water-heating system meeting the installation criteria specified in the Reference Residential Appendix RA4 and with a minimum solar savings fraction of 0.50.

EXCEPTION 2 to Section 110.10(b)1A: Single family residences with three habitable stories or more and with a total floor area less than or equal to 2000 square feet and having a solar zone total area no less than 150 square feet.

EXCEPTION 3 to Section 110.10(b)1A: Single family residences located in the Wildland-Urban Interface Fire Area as defined in Title 24, Part 2 and having a whole house fan and having a solar zone total area no less than 150 square feet.

EXCEPTION 4 to Section 110.10(b)1A: Buildings with a designated solar zone area that is no less than 50 percent of the potential solar zone area. The potential solar zone area is the total area of any low-sloped roofs where the annual solar access is 70 percent or greater and any steep-sloped roofs oriented between 90 degrees and 300 degrees of true north where the annual solar access is 70 percent or greater. Solar access is the ratio of solar insolation including shade to the solar insolation without shade. Shading from obstructions located on the roof or any other part of the building shall not be included in the determination of annual solar access.

EXCEPTION 5 to Section 110.10(b)1A: Single family residences having a solar zone total area no less than 150 square feet and where all thermostats are demand responsive controls and comply with Section 110.12(a), and are capable of receiving and responding to Demand Response Signals prior to granting of an occupancy permit by the enforcing agency.

EXCEPTION 6 to Section 110.10(b)1A: Single family residences meeting the following conditions:

A. All thermostats are demand responsive controls that comply with Section 110.12(a), and are capable of receiving and responding to Demand Response Signals prior to granting of an occupancy permit by the enforcing agency.

B. Comply with one of the following measures:

i. Install a dishwasher that meets or exceeds the ENERGY STAR Program requirements with a refrigerator that meets or exceeds the ENERGY STAR Program requirements, a whole house fan driven by an electronically commutated motor, or an SAE J1772 Level 2 Electric Vehicle Supply Equipment (EVSE or EV Charger) with a minimum of 40 amperes; or

ii. Install a home automation system capable of, at a minimum, controlling the appliances and lighting of the dwelling and responding to demand response signals; or

iii. Install alternative plumbing piping to permit the discharge from the clothes washer and all showers and bathtubs to be used for an irrigation system in compliance