



CITY of BRISBANE

City Council Meeting Agenda

Thursday, November 17, 2022 at 7:30 PM • Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Councilmembers, while allowing for public participation. The public may address the Council using exclusively remote public comment options. The Council may take action on any item listed in the agenda.

PUBLIC MEETING VIDEOS

Members of the public may view the City Council Meeting by logging into the Zoom Webinar listed below. City Council Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>.

TO ADDRESS THE COUNCIL

The City Council Meeting will be an exclusively virtual meeting. The agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom webinar the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an Item.

Email: ipadilla@brisbaneca.org

Text: 628-219-2922

Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666

Passcode: 123456

Call In Number: 1 (669) 900 9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any writings that are received after the agenda has been posted but before 2 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (www.brisbaneca.org/meetings). Any writings that are received after the agenda has been posted but after 2 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- A. United Against Hate Week Proclamation
- B. San Mateo County Libraries Annual Report
- C. California Insurance Department Update

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- D. Accept Investment Report as of September 2022
- E. Approve Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public

OLD BUSINESS

- F. Consider Approval of Contract Renewal with Granicus (Host Compliance)-Short Term Rental Monitoring and Permitting

(The cost of renewing the service agreement through December 2022 would be \$10,682.24 for all recommended services, excluding the 24/7 Hotline)

NEW BUSINESS

- G. Consider Adopting an Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments and finding that this Ordinance is categorically exempt from environmental review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment
- H. Consider Sending a Letter Recommending a Federal Climate Emergency Declaration

STAFF REPORTS

- I. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

J. Countywide Assignments and Subcommittee Reports

K. City Council Meeting Schedule

L. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

D.

File Attachments for Item:

D. Accept Investment Report as of September 2022

**CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
September 30, 2022**

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 4,161,599	\$ 4,161,599	\$ 4,161,599	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 7,930,813	\$ 7,930,813	\$ 7,930,813	1.290	on call	no rating
Other Investments								
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 245,746	2.650	04/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 242,501	2.650	05/02/2023	
	FFCB	3/8/2022	\$ 1,000,000	\$ 1,000,000	\$ 960,490	1.670	03/08/2024	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 967,220	2.400	04/22/2024	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 239,004	2.750	05/01/2024	
	FHLB	7/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 977,760	3.350	07/26/2024	
	Wells Fargo Bank	9/23/2022	\$ 250,000	\$ 250,000	\$ 246,410	3.750	09/23/2024	
	American Express	9/21/2022	\$ 250,000	\$ 250,000	\$ 246,435	3.750	09/24/2024	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 936,520	1.000	09/30/2024	
	FHLB	3/24/2022	\$ 1,000,000	\$ 1,000,000	\$ 940,030	2.000	03/24/2025	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 958,150	2.750	04/22/2025	
	FHLB	7/28/2022	\$ 1,000,000	\$ 1,000,000	\$ 977,670	4.050	07/28/2025	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 909,130	1.300	09/30/2025	
	FFCB	9/12/2022	\$ 1,000,000	\$ 1,000,000	\$ 991,130	4.125	12/12/2025	
	FHLB	9/29/2022	\$ 1,000,000	\$ 1,000,000	\$ 1,003,340	4.150	09/29/2026	
	FHLB	3/25/2022	\$ 1,000,000	\$ 1,000,000	\$ 926,720	2.600	03/25/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 957,270	3.150	05/26/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 954,110	3.750	05/26/2027	
	FHLB	9/30/2022	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	5.000	09/30/2027	
BNY Mellon	Treasury Obligations	continuous	\$ 3,795,898	\$ 3,795,898	\$ 3,795,898	2.850	on call	110% collateral
Sub-total			\$ 19,034,898	\$ 19,034,898	\$ 18,475,534			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl	\$ -	10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl	\$ -	10035			
		Principal	Fed Treas Obl	\$ 1	10036			
		Interest Fund	Fed Treas Obl	\$ 67,090	10037			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 0	10031			
		Reserve	Fed Treas Obl	\$ 157	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
PARS	OPEB Trust	Trust Cash	Investments	\$ 3,336,408	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,168,156	13050			
Sub-total	Cash with Fiscal Agents			\$ 4,571,812				
Total other investments			\$ 19,034,898	\$ 23,606,710	\$ 18,475,534			
TOTAL INVESTMENTS & CASH BALANCES			\$ 31,127,309	\$ 35,699,121	\$ 30,567,945			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off Dec 2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ -	Paid off July 2022

FFCB - Federal Farm Credit Bank
FHLB - Federal Home Loan Bank
FHLM - Federal Home Loan Mortgage Corporation
FNMA -Federal National Mortgage Association

Two year Treasury	4.22%	
Weighted Interest	2.13%	
Weighted maturity	1.61	Years

TREASURER'S CERTIFICATE

These are all the securities in which the city funds, including all trust funds and oversight agencies funds, are invested and that (excluding approved deferred compensation plans) all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Carolina Yuen
CITY TREASURER

File Attachments for Item:

E. Approve Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public



CITY COUNCIL AGENDA REPORT

Meeting Date: November 17, 2022

From: Clay Holstine, City Manager

Subject: Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

Staff recommends that the City Council adopt a resolution declaring the need to continue conducting the meetings of the City Council, Commissions, and Committees remotely due to health and safety concerns.

BACKGROUND

In 2020 and 2021, the Governor signed various Executive Orders that allowed meetings of public agencies to be conducted remotely due to the COVID-19 pandemic and the need to protect the public and governmental officials. In addition, County Health Officers issued Health Orders requiring masks indoors in public places, regardless of vaccination status and that social distancing be observed. As a result, the City has been conducting its public meetings via zoom, thereby ensuring the right of the public to participate in public meetings but keeping the public, City Council, Committees, and Commissions, and City staff safe. There have been no cancelled meetings due to technical or related difficulties arising out of conducting meetings remotely.

Notwithstanding the availability of a vaccine and boosters, and the reduction of COVID related cases in the Bay Area and the State, COVID-19 variants (Delta and Omicron) have continued to spread and infect individuals. To address the need to continue to allow public agencies to conduct meetings remotely, in September 2021, AB 361 was enacted. AB 361 amends the Brown Act to permit local legislative bodies to continue to meet remotely until January 1, 2024 provided:

- The local legislative body is meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- The local legislative body has determined that there is a need to hold public meetings remotely due to imminent risks to the health or safety of attendees

Monthly since September 2021, the City Council has determined that the requirements of AB 361 have been met, namely, the declared state of emergency proclaimed by the state (as well as one by the City) remains in place; state and local health officials continue to recommend that residents observe social distancing and take other protective measures, including that masks to be worn on public transportation and in certain government buildings, and recommending masks be worn in confined spaces open to the public; and that there is a need to hold public meetings remotely due to imminent risks to the health and safety of attendees. The Council therefore has adopted Resolutions directing that the City continue to conduct public meetings normally scheduled for City Hall via Zoom to protect the health and safety of the public.

The Brown Act as amended by AB 361 requires that every 30 days the City Council review its decision not to hold in-person public meetings at City Hall and to specifically determine whether holding remote and/or hybrid public meetings continues to meet the requirements of the Brown Act as amended.

City Council last made the necessary findings on November 3, 2022 to extend meeting remotely for 30 days. Because, however, Council will not meet in regular session after November 17 until December 15, there is a need to place this item on the Council's November 17 meeting agenda so that Council may consider whether to have it and the Commissions and Committees continue to meet remotely for an additional 30 days.

DISCUSSION

The state of emergency issued by the Governor remains in place but will end on February 28, 2023. Nevertheless, San Mateo County's Health Officials continue to provide guidance to prevent the spread of COVID and keep people safe and have incorporated the Center for Disease Control's recommendations in that regard, e.g., social distancing is recommended for indoor public meetings where unvaccinated individuals may be present, especially for those who are at a higher risk of getting very sick from COVID. In addition, persons with health conditions may want to attend City Council meetings but would put themselves at risk of becoming ill if they had to attend in person. Therefore, the requirements to allow public meetings to be conducted remotely continue: there is a declared state of emergency; health officials have imposed measures to prevent the spread of the virus and to promote social distancing; and there continues to be a need to hold public meetings remotely due to imminent risks to the health and safety if Council meetings were not conducted remotely.

ACTION

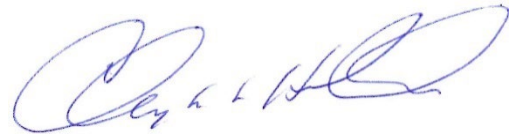
Staff recommends that the City Council adopt the attached Resolution making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through December 16, 2022 be held remotely or in a hybrid fashion to protect the health and safety of the public.

Note, the State's declaration of emergency due to COVID-19 is currently expected to end on February 28, 2023. Unless something changes, at that time local legislative bodies, including the City Council, will no longer be authorized to meet remotely under the Covid-related exceptions to the Brown Act. Thereafter, if one or more members of the City Council need to join a meeting remotely for health or other reasons, the City will need to follow the remote conferencing requirements of the Brown Act for that meeting. Specifically, a meeting may only be held if (i) a quorum of the City Council is attending from within the City limits, (ii) the agenda reflects where any remotely participating member of the Council is located, (iii) any remotely participating member of the Council must post the agenda at that location, (iv) the location must be accessible by the public, (v) all Council votes must be conducted by roll call, etc.

FISCAL IMPACT

There is no fiscal impact.

Attachment: 1. Resolution 2022-XX



Clay Holstine, City Manager

RESOLUTION NO. 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DECLARING THE NEED FOR THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service's proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council, Committee and Commission meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, since issuing Executive Order N-08-21, the Delta and Omicron variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, in 2021, in response to the Delta and Omicron variant, the San Mateo County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, amending the Brown Act to permit local legislative bodies, including the City Council, to meet remotely provided it is meeting during a declared state of emergency, state or local officials have imposed or recommended measures to promote social distancing, and the Council believes there is a need to meet remotely to protect against imminent risks to the health and safety of potential public attendees; and

WHEREAS, cases involving COVID 19, including the Delta and Omicron variant continue to exist, the City Council is concerned about and desire to protect the health and safety of individuals who might otherwise attend Council, Committee and Commission meetings;

WHEREAS, the City Council of the City of Brisbane has adopted Resolutions in 2021

and 2022 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, the City Council does hereby find that the above described conditions of serious threat to the public health, safety, and welfare continue at this time; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

1. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The State, San Mateo County and the City have each proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in many public spaces wear masks and socially distance and recommending that individuals in enclosed public spaces wear masks, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that the City Council, City Commissions and City Committees must meet remotely due to imminent risks to the health and safety of attendees if the Council, Commissions or Committees were to meet in City facilities.
2. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Commissions and Committees, meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361.
3. The City Council will revisit the need to conduct public meetings remotely within 30 days after November 17, 2022.

Coleen Mackin, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on November 17, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a special meeting held on November 17, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney



California

LEGISLATIVE INFORMATION

ENROLLED SEPTEMBER 15, 2021

PASSED IN SENATE SEPTEMBER 10, 2021

PASSED IN ASSEMBLY SEPTEMBER 10, 2021

AMENDED IN SENATE SEPTEMBER 03, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 06, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 06, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 361

Introduced by Assembly Member Robert Rivas

February 01, 2021

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public

seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 89305.6 is added to the Education Code, to read:

89305.6.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2.

Section 11133 is added to the Government Code, to read:

11133.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal

Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the

meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the

opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall

participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5.

Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6.

It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7.

The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of

subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8.

(a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

File Attachments for Item:

F. Consider Approval of Contract Renewal with Granicus (Host Compliance)-Short Term Rental Monitoring and Permitting

(The cost of renewing the service agreement through December 2022 would be \$10,682.24 for all recommended services, excluding the 24/7 Hotline)



CITY COUNCIL AGENDA REPORT

Meeting Date: November 17, 2022

From: John Swiecki, Community Development Director

Subject: Contract Renewal with Granicus (Host Compliance) - Short Term Rental Monitoring and Permitting

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

Purpose

For the City Council to consider a one-year renewal of the City's current agreement with Granicus (Host Compliance) to provide short term rental (STR) monitoring and permitting services.

Recommendation

That the City Council authorize the City Manager to execute a one-year extension with Granicus to continue providing STR monitoring and permitting services.

Background

The City of Brisbane adopted an ordinance which took effect in summer 2020 permitting STRs subject to a number of operational and performance standards. In early 2021 the City entered into a contract with a vendor (Host Compliance, now Granicus) to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of transient occupancy tax (TOT). Lastly, the City Council passed an ordinance, pursuant to SB 60, to increase the fines for STRs operating in violation of the City's regulations on November 18, 2021.

Discussion

The current agreement with Granicus ends in December 2022 and it is proposed the agreement be extended for an additional 12 months, through December 2023. Staff is supportive of extending the agreement an additional year since there has been a substantial investment of staff time working with the vendor to develop the City's platform and training in using the system. Now that the system has been in place for over a year, staff is generally satisfied with its performance. Below is a summary of STR activity since the system has been active:

- 12 STRs were originally identified in June 2021 while the latest data from October 2022 identified four STR units, with no recent, unidentified listings being found within the last 30 days.

- Since October 2021, the City of Brisbane has averaged 4-6 active STR units at any given time. The number varies as new and/or potential units and listings are first identified by Granicus, some of which may be outside city limits or unverified by the system.
- The number of active code enforcement cases dropped from 12 in 2021 to one as of March 2022; there is one pending code enforcement case at time of the writing of this staff report.
- The City approved its first two STR permit applications this summer and third application was submitted this month.
- No STR permit applications have been denied, nor citations issued for an STR violation since January 2022.
- A total of six code enforcement complaints were investigated in 2022.

The current agreement includes a subscription to a 24/7 Hotline for reporting violations. This feature has not been implemented. Given the City's experience to date, this feature is not necessary for the City to address STR complaints. The City's regular code enforcement and after business hours dispatch response, in conjunction with availability of the City's online STR Host Registry which includes a contact number for each host, has been sufficient to investigate and respond to the limited number of STR complaints. Elimination of this service or subscription would result in a savings of \$564.96 or five percent of the contract amount.

Choosing not to extend the agreement would require the City to either find another vendor or transfer enforcement responsibilities to the City's Code Enforcement Officer. Staff has received a solicitation from another private firm that provides STR rental monitoring services, which included a cost estimate in the range of \$8,000-\$13,000 annually. Staff sees no benefit in considering a change in vendor at this time.

Fiscal Impact

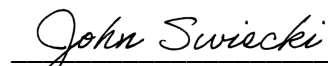
The cost of renewing the service agreement through December 2022 would be \$10,682.24 for all recommended services (excluding the 24/7 Hotline). The agreement cost for 2021 was \$11,247.00. Since June 2021, the City has cumulatively collected approximately \$7,100 in TOT from STRs, with about \$1,500 collected since October 2022.

Measure of Success

Successful implementation of the City's STR Ordinance by permitting STRs consistent with the City's ordinance, eliminating unpermitted STRs and generating and collecting TOT.

Attachments

Granicus Proposal - STR Rental Permitting and Monitoring



John Swiecki, Community Development Director



Clay Holstine, City Manager



408 Saint Peter Street, Suite 600
Saint Paul, MN 55102
United States

THIS IS NOT AN INVOICE

Order Form
Prepared for
Brisbane, CA

Granicus Proposal for Brisbane, CA

Please note: This is not an invoice. This is a budgetary proposal that outlines the products and fees associated with the subscription renewal. Please inform the Granicus Contact listed below if you wish to issue a PO against this budgetary proposal.

ORDER DETAILS

Prepared By: Mark Miller
Phone:
Email: mark.miller@granicus.com
Order #: Q-227604
Prepared On: 10/13/2022
Expires On: 12/28/2022

ORDER TERMS

Currency: USD
Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)
Current Subscription
End Date: 12/28/2022
Period of Performance: 12/29/2022 - 12/28/2023

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

Renewing Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Address Identification	Annual	62 Rental Listings	\$2,985.30
Mobile Permitting & Registration	Annual	1 Each	\$5,350.00
24/7 Hotline	Annual	44 Rental Units	\$564.96
Compliance Monitoring	Annual	43 Rental Units	\$1,035.44
Rental Activity Monitoring	Annual	43 Rental Units	\$1,311.50
Tax Collection	Annual	1 Each	\$0.00
SUBTOTAL:			\$11,247.20

PRODUCT DESCRIPTIONS

Solution	Description
Address Identification	<p>Ongoing monitoring of 60+ Short Term Rental websites including major platforms Airbnb, VRBO, HomeAway, Booking.com, FlipKey, & Expedia. Our machine learning will deduplicate all known Listings into unique Rental Units, where our identification team will provide owner contact information for further enforcement. This product includes:- Ongoing monitoring of all listings in your jurisdiction</p> <ul style="list-style-type: none"> - Updating listing activity and details every 3-5 days - Screenshot activity of every listing - Deduplication of listings into unique Rental Units - Activity dashboard and map to monitor trends and breakdown of compliance
Mobile Permitting & Registration	<p>Mobile-enabled online forms and back-end systems for streamlining the registration/licensing/permitting of individual short-term rental hosts. These registration forms and workflows include:- Parcel Number lookup and validation</p> <ul style="list-style-type: none"> - E-Signatures - ACH, Debit, and Credit Payments exclusively powered by Stripe.com - Registration Number & Certificate creation - Document Upload - Renewals - Email confirmation - Admin approval & denial
24/7 Hotline	<p>24/7 web and phone hotline for your community to report short term rental complaints such as parking, trash, noise disturbances, and illegal short term rentals. This product include:- Mobile-enabled online web form for citizens to submit tips or complaints (text, videos, and photos)</p> <ul style="list-style-type: none"> - 24/7 call center for citizens to contact and report complaints verbally - Recordings for all call center complaints - Email notifications to your team when complaints are logged - Automatic outbound IVR calls and SMS messages to permit emergency contacts notifying them of the complaint - SMS support for emergency contacts to mark a complaint as acknowledged or resolved with the ability to send resolution notes - Hotline Dashboard for tracking complaint volumes, trends, and categories - Ability to upload Notes/Comments to each complaint

Solution	Description
Compliance Monitoring	<p>Compliance monitoring provides up-to-date information for each identified Rental Unit and its compliance status. We configure your compliance definition specific to your jurisdiction rules and ordinances in order to provide up-to-date compliance status of each identified Rental Unit. Additionally, this product will:- Allow your team to send letters to non-compliant properties 24/7</p> <ul style="list-style-type: none"> - Configure letter templates with your branding and letterhead - Add as many letter sequences as you need for escalation - Monitor properties that become compliant after letter enforcement
Rental Activity Monitoring	<p>Ongoing monitoring of Short Term Rental listings for signs of rental activity including historical revenue estimates & occupancy. Coupled with our Tax Collection product, users can also compare historical revenue estimates to actual reported revenue to identify those that may be underreporting and underpaying sales tax (i.e. TOT).</p>
Tax Collection	<p>Tax Collection can be built as a separate mobile-enabled form or coupled with Mobile Permitting & Registration in one single portal allowing your users to:- Report revenue monthly, quarterly, or annually and pay sales tax due (i.e TOT)</p> <ul style="list-style-type: none"> - Remind users when they are registering for a permit/license to also report any back taxes - Collect ACH, Debit, and Credit Payments exclusively powered by Stripe.com

TERMS & CONDITIONS

- The terms and conditions set forth in the Agreement effective 12/29/2020 are incorporated herein by reference.
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Brisbane, CA to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- Notwithstanding anything to the contrary, Granicus reserves the right to adjust pricing at any renewal in which the volume has changed from the prior term without regard to the prior term's per-unit pricing.
- Renewal pricing for Address Identification, Compliance Monitoring, Rental Activity Monitoring, 24/7 Hotline, Tax Collection, and Mobile Permitting & Registration is based on the average volume of rental listings or units for the preceding 10-12 months and is subject to volume-based pricing adjustments as described herein.

BILLING INFORMATION

Billing Contact:		Purchase Order Required?	<div>[] - No</div> <div>[] - Yes</div>
Billing Address:		PO Number:	
		<i>If PO required</i>	
Billing Email:		Billing Phone:	

If submitting a Purchase Order, please include the following language:

The pricing, terms, and conditions of quote Q-227604 dated 10/13/2022 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.

AGREEMENT AND ACCEPTANCE

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Brisbane, CA	
Signature:	
Name:	
Title:	
Date:	

File Attachments for Item:

G. Consider Adopting an Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments and finding that this Ordinance is categorically exempt from environmental review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment



CITY COUNCIL AGENDA REPORT

Meeting Date: November 17, 2022

From: John Swiecki, Community Development Director

Subject: Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments and finding that this Ordinance categorically exempt from environmental review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Purpose

To adopt the most recent version of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, including amendments to the CBC and existing reach codes, e.g., fire protection, on-site energy generation, etc., with the new provisions to be in full force and effect January 1, 2023.

Recommendation

Adopt the attached draft ordinance on an urgency basis.

Background

Every three years a new set of construction codes is published by the State. Local adoption of these codes allows the City to enforce them under the authority of the Brisbane Municipal Code (BMC). A city may also adopt local modifications to these codes based on certain findings. Whether or not a city elects to adopt the State codes by local ordinance, the State codes automatically become effective January 1, 2023.

The last Code adoption cycle was in 2019 when the City amended Chapter 15.04 of the BMC, to adopt the 2019 Edition of the California Building Standards Code. At the same time, the City also amended other chapters within Title 15 of the BMC to adopt local “reach codes” pertaining to fire protection, on-site energy generation, building electrification, and electric vehicle (EV) charging infrastructure.

This draft ordinance was prepared collaboratively between the Planning, Building, Public Works and Fire Departments and in consultation with the City Attorney. An informational summary of the draft ordinance was provided to the Planning Commission at its last meeting and the City Council Planning Issues Subcommittee received a brief report on reach codes in October.

Discussion

Building Code and Property Maintenance Code Adoption: The proposed ordinance would adopt the following construction codes by updating BMC Chapter 15.04, Adoption of Construction Codes:

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.

Additionally, in order to keep current with property maintenance provisions, it is recommended that the 2021 International Property Maintenance Code be adopted to replace the 2018 edition.

As indicated above, adoption of the above referenced codes would allow the City to enforce the said codes under the authority of the BMC.

Brisbane Construction Code: BMC Chapter 15.04 is one of many chapters under Title 15 that together regulate buildings and construction. A number of these chapters have not been

amended since 1978 and are obsolete, remnants of a previous iteration of the Brisbane Construction Code that have been superseded by the CBC. The draft ordinance (Section 15) would delete out-of-date BMC Chapters 15.08 – Organization and Enforcement, 15.12 – Permits and Fees, 15.16 - Inspections, and 15.20 – Certificates of Occupancy.

Energy and Reduction of Greenhouse Gas Emissions Reach Codes: To supplement the updated State codes noted above, it is proposed that the City maintain previously adopted local modifications, known as “reach codes”, to address local fire hazards as well as energy efficiency and greenhouse gas (GHG) emissions. It is also proposed that the City delete reach codes that are no longer necessary due to updated CBC requirements that supersede the City’s current reach codes.

The table below identifies the City’s existing reach codes related to energy and GHG reductions and summarizes staff’s proposed action.

<i>Reach Code</i>	<i>Recommended Action</i>
Onsite Energy Generation (BMC Ch 15.81)	Repeal
New Buildings Electrification (BMC Ch 15.83)	Repeal and replace with similar reach code
EV Charging Infrastructure (BMC Ch 15.84)	Retain with no modifications (<i>minor amendment(s) to application streamlining under BMC Ch 15.86 proposed</i>)

BMC Chapter 15.81 - On-Site Energy Generation: This reach code is superseded by the 2022 CBC and staff proposes it to be deleted (see Section 15 of the draft ordinance).

Current City reach codes require that new residential and non-residential buildings include limited on-site solar energy generation. The 2022 CBC requires all new residential and nonresidential building to install a new solar energy and battery storage system; State code supersedes this local reach code.

BMC Chapter 15.83 - Building Electrification: Staff recommends eliminating blanket exceptions (see Sections 1, 4, and 15 of the draft ordinance).

The City adopted BMC Chapter 15.83 during the last cycle in 2019. It requires all newly constructed residential and nonresidential buildings to be all-electric with some exceptions. For example, residences could have combustion cooking appliances and fireplaces, and life science buildings and buildings that demonstrate non-electric building components are essential as a core component of the intended building use, such as a barbeque-themed restaurant, pizza oven were entirely exempt. New buildings would not be prohibited from the use of natural gas under the 2022 CBC, however, building electrification is still considered an appropriate prescriptive reach code. In addition to solar power generation, building electrification remains an important step in further reducing GHG emissions and the City’s current reach code still exceeds the requirements of the CBC. It is recommended t this reach code be retained to:

- 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; and
- Promote the health and welfare of residents, workers, and visitors to the City.

As noted above, the City's adopted reach included blanket exemptions for certain businesses and appliances. Given the importance of eliminating gas to achieve long term climate goals, staff believes the existing blanket exemptions are no longer warranted or appropriate. The amendments proposed in the draft ordinance would eliminate all current exceptions, unless 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." If an exception were granted, subject to approval from the Building Official, the applicant would still be required to pre-wire the building to be all-electric as condition of approval. This language would be consistent with more recent all-electric reach codes adopted by cities like San Mateo, Belmont, and San Carlos. At the City Council Planning Subcommittee meeting, it was mentioned that Millbrae's reach code had an absolute prohibition on gas with no feasibility exemption for any uses, including R&D. In researching this matter further, staff verified that Millbrae's proposed reach code includes a feasibility exemption similar to the other cities listed above.

The draft ordinance would repeal BMC Chapter 15.83, which amended the 2019 California Energy Code, and replace with local amendments to CALGreen (Part 11 of the CBC). If a reach code amends the Energy Code (Part 6 of the CBC), jurisdictions need to file an application to the California Energy Commission to demonstrate that any local amendments are cost effective and would save more energy than those required by the State. This is done by submitting a detailed cost effectiveness study to the State. This requirement does not extend to other parts of the CBC, meaning, amending Part 11 rather than Part 6 of the CBC would achieve the same outcome (requiring all new construction, both residential and nonresidential buildings be all-electric) while simplifying adoption of the reach code.

BMC Chapter 15.84 - EV Charging Infrastructure: This reach code is still considered a reasonable prescriptive reach code (see Section 1 of the draft ordinance).

The City adopted BMC Chapter 15.84 during the last cycle in 2019. It requires specific EV chargers and EV parking spaces in new development projects. Per the City's Sustainability Manager, this reach code remains stronger than the new 2022 CBC as well as the new EV reach codes proposed by the Bay Area Reach Codes Coalition. This reach code is recommended to be retained and readopted without revision.

A minor amendment to BMC Chapter 15.86, which is related to EV charger permit streamlining for existing development and discussed below under “Other Modifications”, does not change the requirements under this reach code that applies only to new development projects. It is recommended to retain this reach code to increase EV charging infrastructure to encourage electric vehicle adoption, which in turn reduces GHG emissions and improves air quality and health and welfare.

Fire Code: Since 2007, the City has adopted local modifications to the Fire Code that address items such as automatic fire sprinklers on certain structures, fire access turnarounds on dead end roads, removal of combustible materials from property, limitations on storage of explosives and flammable liquids, and other provisions. Local modifications to the Fire Code are again proposed in BMC Chapter 15.44 of the attached draft ordinance. In this cycle, the proposed updates suggested by North County Fire Authority are for clarification and/or reorganization and do not substantively change the previously approved modifications. Fire Code amendments are included as Section 5 of the draft ordinance.

Express Findings Required for Local Amendments: Section 17958 of the California Health and Safety Code provides that a local jurisdiction may make changes to the provisions within the State’s uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, topographical, or environmental conditions.

In the past, the City has made such findings for local modifications to the Fire Code based on Brisbane’s heavily vegetated hillsides; narrow, steep public streets and private access-ways; proximity to the San Andreas Fault; exposure to strong winds; and location immediately adjacent to protected habitat conservation areas subject to wildland fires.

While the findings for our fire reach codes have been made in past years, they must be repeated again as part of this Ordinance; the findings are in Section 1. The express findings, summarized below, have been modified to address other local modifications included within the Ordinance that make amendments to the Building Code and Green Building Standards Code of the 2022 CBC, something that has not been done previously.

1. Failure to address and significantly reduce 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. 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. 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.
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.

Other Modifications: The Ordinance also includes minor amendments to BMC Chapter 15.86 - Electric Vehicle Charging Station Permit Streamlining to address grammatical errors and new State legislation. The State passed AB 970 which builds upon AB 1236 passed in 2015 and amends California Government Code Section 65850.7. Effective January 1, 2023, AB 970 clarifies the timeline, or streamlining requirements, on permits for EV charging stations at existing buildings as follows:

- For projects with 1-25 stations at a single site, applications must be reviewed for completeness within 5 business days and approved/denied within 20 business days.
- For projects with 26 or more stations at a single site, applications must be reviewed for completeness within 10 business days and approved/denied within 40 business days.

The amendments within the draft ordinance are consistent with new State law, specifying the purpose and applicability of the chapter is pursuant to, "California Government Code Section 65850.7 or successor legislation." No change is proposed to the current EV charging infrastructure standards contained within BMC Chapter 15.84, which only applies to new development projects. Section 10 of the draft ordinance includes the modifications to BMC Chapter 15.86.

Ordinance to be Adopted on an Urgency Basis

The ordinance is proposed for adoption on an urgency basis because 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 the city's reach code provisions to be in full force and effect at that time. If the Ordinance were not adopted as an urgency ordinance, the local amendments made to the 2022 Edition of the California Building Code would not be in effect until mid-January 2023 due to the City Council's meeting schedule in December. A four-fifths vote of the City Council is needed to adopt the Ordinance on an urgency basis.

CEQA Determination

Adoption of the Ordinance is not subject environmental review under the California Environmental Quality Act (CEQA) in that it is categorically exempt under the CEQA Guidelines, Section 15308, Actions by Regulatory Agencies to Protect the Environment.

Fiscal Impact

None

Measure of Success

Application of updated standards to comply with State law and implementation of local amendments which protect public health and safety and help meet the goals of the City's Climate Action Plan.

Attachments

1. Draft Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments
2. "Redline" of the updates to the BMC



John Swiecki, Community Development Director



Clay Holstine, City Manager

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

Exhibit A

**Findings Supporting Local Amendments to Title 24 of the California Code of Regulations, 2022
Edition of the California Building Standards Code**

Sections 17958 and 18941.5 of the California Health and Safety Code provides that the City of Brisbane may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions. Similar findings must be made to adopt model code appendices. Amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

Code: California Building Code					
Section(s)	Title	Add	Delete	Amended	Justification (see Key)
102.6.3	Buildings or structures moved into city	X			B, C
102.7	Additions, Alterations, and Major Rebuilds to Existing Buildings	X			B, C
1505.1.2	Roof coverings within all other areas			X	B, C
Appendix G	Flood Resistant Construction	X			B, C
Appendix I	Patio Covers	X			B, C
Appendix J	Grading	X			B, C
Code: California Residential Code					
Section(s)	Title	Add	Delete	Amended	Justification (see Key)
Appendix H	Patio Covers	X			B, C
Appendix J	Existing Buildings and Structures	X			B, C
Appendix K	Sound Transmission	X			C
Appendix V	Swimming Pool Safety Act	X			B, C
Code: California Fire Code					
Section(s)	Title	Add	Delete	Amended	Justification (see Key)
104.2	Application and permits			X	B, C
105.6.25	Permit fees	X			B, C
503.2.5	Dead ends			X	B, C
503.3	Marking			X	B, C
507.5.7	Fire hydrants and water supply	X			B, C
903	Automatic sprinkler systems			X	B, C
5608.1	Fireworks prohibited			X	B, C
904.2.3	Floor markings			X	B, C
907.8.1	Maintenance required			X	B, C
710	Roof coverings	X			B, C
5301.1	Scope (storage of compressed natural gas)			X	B, C
5601.1.6	General (storage of explosives and blasting agents)			X	B, C

Code: California Fire Code					
Section(s)	Title	Add	Delete	Amended	Justification (see Key)
5704.1	General (storage of flammable or combustible liquids in outside aboveground tanks)			X	B, C
6104.2	Maximum capacity within established limits			X	B, C
914.3.9	Firefighter breathing air replenishment system	X			B, C
903.2.22	Sprinkler protection of car stackers	X			B, C
D101.2	Fire apparatus access road (definition)			X	B, C
D102	Access road exceptions			X	B, C
D102.2	Access to exterior door	X			B, C
D102.3	Large building access	X			B, C
D102.4	Access road clearance	X			B, C
103.7	Marking	X			B, C
Code: California Green Building Standards Code					
Section(s)	Title	Add	Delete	Amended	Justification (see Key)
202	Definitions			X	A, B, C, D
4.106.5	All-electric residential buildings	X			A, B, C, D
4.106.5.1	New construction	X			A, B, C, D
4.106.5.2	Requirements for combustion equipment	X			A, B, C, D
5.106.13	All-electric nonresidential buildings	X			A, B, C, D
5.106.13.1	New construction	X			A, B, C, D
5.106.13.2	Requirements for combustion equipment	X			A, B, C, D

Key:**A. Climatic**

The local amendments are justified on the basis of local climatic conditions in Brisbane. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk City homes and businesses, public facilities, and Highway 101 (Bayshore Freeway), particularly the mapped Flood Hazard areas of the City. Electric vehicle (EV) charging infrastructure and elimination of the burning of fossil fuels used in gas appliances for the heating of buildings are key components in reducing GHG emissions.

EV charging installations can help the City of Brisbane reduce its share of the GHG emissions that contribute to climate change and contribute to the reduction of GHG emissions by supporting the demand for EVs and the associated charging infrastructure. Furthermore, electricity will become cleaner over time as utilities achieve more stringent Renewable Portfolio Standard requirements and translate the clean energy benefits to electric vehicles.

Natural gas combustion and gas appliances emit a wide range of air pollutants, such as carbon monoxide (CO), nitrogen oxides (NO_x, including NO₂), particulate matter (PM), and formaldehyde, which according

to a UCLA study, have been linked to various acute and chronic health effects, and additionally exceed levels set by national and California-based ambient air quality standards. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions. All-electric new buildings benefit the health, safety, and welfare of Brisbane residents. Requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in Brisbane.

B. Geological

The local amendments are justified on the basis of local geological conditions in Brisbane. The City is located near the San Andreas Fault and is subject to seismic activity that could result in ground shaking and damage to structures, via shaking, slope failure, and liquefaction and potentially ignite fires throughout the City. A powerfully damaging earthquake similar to the 1906 earthquake or 1989 Loma Prieta earthquake is likely to occur in the next 30 years. Smaller magnitude earthquakes are also likely to occur, potentially producing significant local damage. The reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.

C. Topographical

The local amendments are justified on the basis of local topographic conditions in Brisbane. The City of Brisbane is located at the western edge of the San Francisco Bay and along the eastern flanks of San Bruno Mountain and is approximately 2 to 3 miles north of the San Francisco International Airport (SFO). The City has both existing development and vacant development sites in flood prone areas as well as areas that may be subject to slope movement in steep areas of the City. Many of the City's existing residential lots are small, with many being in range of 2,500 to 5,000 square feet, and located on steep hillsides.

The City's topography and location, adjacent to the San Francisco Bay, San Bruno Mountain U.S. Interstate 101, which runs through its eastern edge, and SFO, combined with its small residential lots present a number of hazards that include, but is not limited to flooding, slope stability, and increased exposure to noise.

Furthermore, the City's hillside areas are constructed on the eastern slope of San Bruno Mountain which is immediately adjacent to a protected habitat conservation area subject to wildland fires due to existing vegetation, particularly chaparral, and a temperate climate with dry summer months. These wildland areas pose substantial risk to nearby residences and the natural environment. Brisbane also 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. 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.

The elimination of natural gas infrastructure in new buildings and the transition to electric appliances in existing residential buildings would reduce fire hazards in buildings near highly combustible wildland areas. Furthermore, these areas contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipment in the event of emergency. 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.

D. Environmental

The local amendments improve the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The local amendments are consistent with the goals of the Green Building Code and help achieve the following goals:

- Reduce the use of natural gas in buildings which improves indoor environmental quality and health;

- Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time;
- Promote the health and productivity 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

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.04 ADOPTION OF CONSTRUCTION CODES

Chapter 15.04 ADOPTION OF CONSTRUCTION CODES

15.04.010 Purpose and authority.

The purpose of this chapter is to adopt by reference the 2019-2022 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.

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."

15.04.040 Adoption of construction codes.

- A. Title 24 of the California Code of Regulations, 2019-2022 Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:
1. 2019-2022 California Administrative Code, Title 24, Part 1.
 2. 2019-2022 California Building Code, Volumes 1 and 2, based on the 2018-2021 International Building Code (ICC), Title 24, Part 2, including Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.
 3. 2019-2022 California Residential Code, based on the 2018-2021 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., together with those omission, amendments, exceptions and additions thereto as amended in Part 3 2.5 of the California Building Standards Code, California Code of Regulations Title 24.
 4. 2019-2022 California Electrical Code, based on the 2017-2020 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
 5. 2019-2022 California Mechanical Code, based on the 2018-2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.
 6. 2019-2022 California Plumbing Code, based upon the 2018-2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
 7. 2019-2022 California Energy Code, Title 24, Part 6. 3.-(See also, local Energy Code provisions in Chapter 15.81 and 15.83.)
 8. 2019-2022 California Historical Building Code, Title 24, Part 8.
 9. For adoption of the 2019-2022 California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
 10. 2019-2022 California Existing Building Code based on the 2018-2021 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. ~~2019-2022~~ California Green Building Standards Code, Title 24, Part 11.
 12. ~~2019-2022~~ California Referenced Standards Code, Title 24, Part 12.
 - ~~13. 2019 California Residential Code Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act.~~
 - ~~14. 2019 California Building Code Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.~~
- B. The ~~2018-2021~~ International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

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 barbecues), 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.

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.08 ORGANIZATION AND ENFORCEMENT

Chapter 15.08 ORGANIZATION AND ENFORCEMENT

15.08.010 Building official—Defined.

The term "building official" refers to the city manager of the city and his/her designated representative. The city manager, with the approval of the city council, may provide for building inspection services to be performed by contract with the county of San Mateo or other public or private agency. Whenever this code or the construction codes use the terms "administrative authority," "responsible official," "chief inspector," "code official" or "code enforcement officer" they shall mean the "building official" as defined in this section.

(Ord. No. 583, § 4, 5-19-14)

15.08.020 Building official—Responsibilities generally.

The responsibilities of the building official are as set forth in Sections 15.08.030 through 15.08.100.

15.08.030 Building official—Enforcement authority.

The building official is authorized and directed to enforce all the provisions of this code and the construction codes within the city.

15.08.040 Building official—Right of entry for inspection.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this code or the construction codes, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, dangerous, or hazardous, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official; provided, that if such building or premises are occupied, he shall first present proper credentials and demand entry. If such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
- B. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as provided in subsection A of this section, promptly to permit entry therein by the building official for the purpose of inspection and examination pursuant to this code or the construction codes.

15.08.050 Building official—Work stop orders.

- A. Whenever any building work or installation work is being done contrary to the provisions of this code and the construction codes, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed therewith.
- B. If the person to whom the stop work order is directed fails to comply therewith, the building official may:
1. Request that the city council direct the city attorney to seek appropriate civil remedies to insure compliance;
 2. Request that the city attorney prosecute the person for a criminal violation of this code or the construction codes.

~~15.08.060 Building official—Authority to order discontinuance of use upon noncompliance.~~

~~Whenever any building or structure or equipment therein regulated by this code and the construction codes is being used contrary to the provisions thereof, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person responsible for such use. Such person shall discontinue the use within ten (10) days after receipt of such notice or cause the structure, or portion thereof, to comply with the requirements of said codes.~~

~~15.08.070 Building official—Authority to order discontinuance of utility service.~~

~~The building official shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures, or equipment therein regulated by this code and the construction codes, in cases of emergency or where necessary for safety to life and property. Such utility service shall be discontinued until the equipment, appliances, devices, piping, or wiring found to be defective or defectively installed are removed or restored to a safe condition.~~

~~15.08.080 Building official—Nonliability.~~

~~Neither the city nor the building official shall be liable for any damages or injuries accruing to persons or property as a result of any act or omission by the building official in the discharge of his duties under this code or the construction codes.~~

~~15.08.090 Building official—Assistance of other officials.~~

~~The building official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials and officers of public and private utilities.~~

~~15.08.100 Building official—Account of fees and moneys collected.~~

~~The building official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code and the construction codes, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.~~

~~15.08.110 Existing buildings.~~

~~The provisions set forth in Sections 15.08.120 through 15.08.210 shall govern additions, alterations, and repairs to, and changes of use or occupancy in, existing buildings.~~

~~15.08.120 Building or structure defined.~~

~~For purposes of Sections 15.08.110 through 15.08.210, the terms "building" or "structure" include any heating, cooling, ventilating, or similar mechanical equipment or system, any electrical equipment or system, and any plumbing equipment or system governed by the construction codes.~~

~~15.08.130 Additions, alterations or repairs—Compliance with construction codes.~~

~~Any addition, alteration, or repair to, or change of use of, or occupancy in a building or structure shall comply with the provisions for new buildings and structures set out in the construction codes, except as may otherwise be provided in Chapter 15.10, Sections 15.08.180 through 15.08.210, and in Section 502 of the Uniform Building Code, latest adopted edition.~~

~~15.08.140 Reserved.~~

Editor's note(s)—Ord. No. 653, § 4, adopted Oct. 15, 2020, repealed § 15.08.140, which pertained to Additions or alterations in excess of fifty percent of floor area and derived from Ord. 243 § 1009(c), adopted in 1978; Ord. 411 § 1, adopted in 1997; Ord. 417 § 13, adopted in 1997; Ord. 451 § 1, adopted in 2000; Ord. No. 583, § 5, adopted May 19, 2014; and Ord. No. 613, § 4, adopted Jan. 5, 2017.

~~15.08.145 Reserved.~~

Editor's note(s)—Ord. No. 613, § 5, adopted January 5, 2017, repealed § 15.08.145, which pertained to additions, alterations or repairs—seismic safety and derived from Ord. No. 354, 1990.

~~15.08.180 Replacement of roof coverings on existing buildings.~~

Where ten percent (10%) or more of the roof area of a wood roof or fifty percent (50%) or more of the roof area of a non-wood roof will be replaced within any twelve (12) month period, the new roof covering shall comply with the requirements applicable to new buildings and structures.

~~15.08.190 Continuance of existing uses—Certificate of occupancy required for changes.~~

- A.—Buildings or structures in existence at the time of the passage of this code may continue in their existing use or occupancy, if such use or occupancy was legal at the time of passage, provided such continued use is not dangerous to life.
- B.—No change in the character of occupancy or use of a building or structure shall be made without a certificate of occupancy. The building official may issue a certificate of occupancy without certifying that the building complies with all the provisions of these codes, so long as he finds doing so will not endanger life.

~~15.08.200 Reserved.~~

Editor's note(s)—Ord. No. 583, § 6, adopted May 19, 2014, repealed § 15.08.200, which pertained to maintenance of buildings and structures and derived from Ord. No. 243, 1978.

~~15.08.210 Compliance of 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.

~~15.08.220 Reserved.~~

Editor's note(s)—Ord. No. 583, § 7, adopted May 19, 2014, repealed § 15.08.220, which pertained to unsafe buildings—generally and derived from Ord. No. 243, 1978.

~~15.08.230 Reserved.~~

Editor's note(s)—Ord. No. 583, § 8, adopted May 19, 2014, repealed § 15.08.230, which pertained to unsafe buildings—defined—nuisance declared—abatement and derived from Ord. No. 243, 1978.

~~15.08.240 Reserved.~~

Editor's note(s)—Ord. No. 583, § 9, adopted May 19, 2014, repealed § 15.08.240, which pertained to unsafe buildings—unsanitary plumbing systems declared nuisance and derived from Ord. No. 243, 1978.

~~15.08.250 Reserved.~~

~~Editor's note(s)—Ord. No. 583, § 10, adopted May 19, 2014, repealed § 15.08.250, which pertained to unsafe buildings—dangerous electrical systems declared nuisance and derived from Ord. No. 243, 1978.~~

~~15.08.260 Reserved.~~

~~Editor's note(s)—Ord. No. 583, § 11, adopted May 19, 2014, repealed § 15.08.260, which pertained to unsafe buildings—unsafe appendages declared nuisance and derived from Ord. No. 243, 1978.~~

~~15.08.270 Reserved.~~

~~Editor's note(s)—Ord. No. 583, § 12, adopted May 19, 2014, repealed § 15.08.270, which pertained to unsafe buildings—order by building official to discontinue use and derived from Ord. No. 243, 1978.~~

~~15.08.280 Violation—Penalty.~~

- A. ~~It is unlawful for any person to erect, install, construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure or equipment therein regulated by this chapter or the construction codes, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this chapter or said codes.~~
- B. ~~The violation of any of the provisions of this chapter or the construction codes shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. 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 Section 15.12.150 of this title.~~

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.12 PERMITS AND FEES

Chapter 15.12 PERMITS AND FEES

15.12.010 Permits—Required.

- A. ~~Permits Required. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this code, except as specified in subsection B of this section, or cause the same to be done without first obtaining a separate permit for each building or structure from the building official.~~
- B. ~~Exempted Work. A building permit will not be required for the following:~~
- ~~1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet.~~
 - ~~2. Fences not over six (6) feet high.~~
 - ~~3. Oil derricks.~~
 - ~~4. Cases, counters and partitions not over five (5) feet high.~~
 - ~~5. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.~~
 - ~~6. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5000) gallons and the ratio of height to diameter or width does not exceed two to one.~~
 - ~~7. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below.~~
 - ~~8. Painting, papering and similar finish work.~~
 - ~~9. Temporary motion picture, television and theater stage sets and scenery.~~
 - ~~10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four (54) inches.~~
 - ~~11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5000) gallons.~~

~~Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.~~

~~Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.~~

15.12.020 Permits—Application.

~~To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:~~

- ~~A. Identify and describe the work to be covered by the permit for which application is made;~~
- ~~B. Describe the land on which the proposed work is to be done, by lot, block, and tract, and house and street address, or similar description that will readily identify and designate with reasonable certainty the proposed building or work;~~
- ~~C. Indicate the use or occupancy for which the proposed work is intended;~~

- ~~D. — Be signed by the permittee, or his authorized agent, together with evidence as required to indicate such authority;~~
- ~~E. — Be accompanied by plans, diagrams, computations, specifications, and other data as required;~~
- ~~F. — Give such other information as reasonably may be required by the building official.~~

~~15.12.030 Plans and other data—Generally.~~

~~Plans and other data may be required by the building official in accordance with the provisions of Sections 15.12.040 through 15.12.110.~~

~~15.12.040 Plans and other data—Submittal with permit application.~~

~~For enforcement of any provisions of this code or construction codes, plans, diagrams, and other data shall be submitted in two (2) sets with each application for a permit.~~

~~15.12.050 Plans and other data—Preparation by licensed engineer or architect.~~

~~The building official may require the plans and other data to be prepared and designed by an engineer or architect licensed by the state to practice as such.~~

~~15.12.060 Plans and other data—Specifications.~~

~~Plans and other data shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the building, structure, or system will conform to the provisions of this code and the construction codes and all relevant laws, ordinances, rules and regulations. The first sheet of each set of building plans shall give the street address of the work and the name and address of the owner or his lessee and person who prepared them. Building plans shall also include a plot showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the building official may approve references on the plans to specific sections or parts of said codes of other ordinances or laws.~~

~~15.12.070 Plans and other data—Environmental heating or cooling systems, absorption systems, ventilation systems and hoods.~~

~~Plans or specifications for the installation of environmental heating or cooling systems, absorption systems, ventilation systems and hoods shall show the following:~~

- ~~A. — Layout for each floor with dimensions of all work spaces and a legend of all symbols used;~~
- ~~B. — Location, size, and materials of all piping;~~
- ~~C. — Location, size, and materials of all air ducts, air inlets, and air outlets;~~
- ~~D. — Location of all fans, warm air furnaces, boilers, absorption units, refrigerant compressors, and condensers, and the weight of all pieces of such equipment weighing two hundred (200) pounds or more;~~
- ~~E. — Rated capacity or horsepower of all boilers, warm air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units;~~
- ~~F. — Location, size, and material of all combustion products, vents, and chimneys;~~
- ~~G. — Location and area of all ventilation and combustion air openings and ducts;~~
- ~~H. — Location of all air dampers and fire shutters.~~

15.12.075 Plans and other data—Street improvement plans.

For any undeveloped lot which is on an unimproved street or on a street for which, in the opinion of the city engineer, additional or future street improvements can be anticipated, the following information shall be provided for any application for a building permit:

- A. — A precise plot plan showing existing topography, boundary lines, location of structures, finished grades, and utility services;
- B. — A street improvement plan prepared by a registered civil engineer, showing grades and dimensions, existing and proposed retaining walls, and indicating that the driveway will function properly and adequately tie into the existing roadbed, based on the vertical and horizontal alignment as approved by the city engineer, consistent with the standards adopted by the city;
- C. — Prior to beginning any construction, the applicant for a building permit shall submit a certification by a registered civil engineer or licensed land surveyor that the property corners have been set;
- D. — Prior to issuance of the occupancy permit, an "as-built" street plan shall be submitted to the city, certified by the civil engineer responsible for the plan.

15.12.080 Plans and other data—Computations, stress diagrams and other data required by building official.

Computations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the building official. Plans for buildings more than two (2) stories in height of other than conventional construction shall indicate how required structural integrity and fire resistance will be maintained where a penetration will be made for electrical, mechanical, plumbing, and communications conduits, pipes, and similar systems.

15.12.090 Plans and other data—Distribution of copies.

One set of approved plans, computations, and data shall be retained by the building official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and data shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

15.12.100 Plans and other data—Submittal not required when.

When authorized by the building official, plans or other data need not be submitted for the following:

- A. — One-story buildings of conventional wood-stud construction with an area not exceeding six hundred (600) square feet;
- B. — Work which, in the determination of the building official, is small and unimportant.

15.12.110 Plans and other data—Not accepted when illegible or incomplete.

The building official need not accept plans or other data which are not legible and complete or do not conform with the provisions of Sections 15.12.030 through 15.12.100.

15.12.120 Effect of issuance of permits or approval of plans.

- A. — The issuance or granting of any permit or approval of plans or other data shall not be construed to be a permit for, nor an approval of, any violation of any of the provisions of this code or the construction codes.

- B. ~~The issuance of a permit based upon plans and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans and data or from preventing building operations being carried on thereunder when the plans or data are in violation of this code, of the construction codes, or of any other applicable statute, ordinance, rule or regulation.~~
- C. ~~The issuance or granting of a permit or approval of plans shall not prevent the building official from revoking any certificate of approval which has been issued in error.~~

~~15.12.130 Permits—Extensions, expiration.~~

~~Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within twelve (12) months from the date of issuance of such permit unless the permittee, prior to the expiration of the permit, has applied to the building official to extend the permit, or if the building or work authorized by such permit is suspended or abandoned for a period of twelve (12) months at any time after work is commenced. The following applies to requests to extend permits and permits that have expired:~~

- A. ~~The building official is authorized to grant one or more extensions of up to one hundred eighty days (180) days per extension to any building permit, based upon a finding, in the sole determination of the building official, that there are justifiable reasons for postponement or delay of the work.~~
- B. ~~Where a building permit has expired, such work may nevertheless be recommenced following the building official's issuance of a new building permit for the work. Upon request, the fee for such reissuance shall be one-half the amount required for a new permit for such work; provided, that no changes have been made or will be made in the original plans or scope of such work; and, provided further, that such suspension or abandonment has not exceeded eighteen (18) months. The building official may, at his or her discretion, waive the fee where delay in commencing work or the suspension of work has been caused by a natural disaster. Any reduction in fee in this subsection does not preclude the requirement to comply with state building code updates adopted prior to the date of re-application.~~

~~15.12.140 Permits—Suspension and revocation.~~

~~The building official may, in writing, suspend or revoke a permit issued under provisions of this code or the construction codes whenever the permit is issued in error or on the basis of incorrect information supplied, or is in violation of any ordinance or regulation or any of the provisions of said codes.~~

~~15.12.150 Penalty fee for commencing work without permit.~~

- A. ~~Whenever any construction or work for which a permit is required by this code or the construction codes is commenced without the prescribed permits having been first obtained, a penalty fee of ten (10) times the amount of the required permit fee shall be paid, in addition to the permit fee. The penalty fee shall in no event exceed a maximum of ten thousand dollars (\$10,000.00). Notwithstanding the foregoing, if the person performing the construction work is the property owner and the valuation of the work does not exceed one thousand dollars (\$1,000.00), the penalty shall be one times the amount of the required permit fee in addition to the permit fee.~~
- B. ~~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.~~

~~15.12.160 Building permit—Issuance procedure.~~

- ~~A. The building official shall issue building permits in accordance with the procedure set forth in Sections 15.12.170 through 15.12.200.~~
- ~~B. Issuance of building permits for installation of small residential rooftop solar energy systems, as defined in Chapter 15.82 of this title, shall conform to the requirements of the solar streamlining policy on file with the community development department.~~
- ~~C. Issuance of building permits for installation of electric vehicle charging stations shall conform with Chapter 15.86 of this title.~~

~~15.12.170 Building permit—Application—Conditions of issuance.~~

- ~~A. Application, plans, and specifications filed by an applicant for a permit to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure governed by the Uniform Building Code, latest adopted edition, and by the supplements thereto, or to cause the same to be done, shall be checked by the building official. Such plans may be reviewed by the planning commission, environmental health officer, engineer, and by other departments of the city and by other public agencies having jurisdiction over such proposed erection, construction, enlargement, alteration, repair, move, improvement, removal, conversion, or demolition. The building official may refuse to issue a permit until any such city department or public agency having such jurisdiction has given its approval of the work to be performed.~~
- ~~B. If the building official is satisfied that the work described in the application for a permit and the plans therewith conform with the requirements of this code, the Uniform Building Code, latest adopted edition, together with supplements thereto, the other construction codes, and other pertinent laws and ordinances, and that the fee specified in Sections 15.12.240 and 15.12.250 has been paid, he shall issue a permit for such work to the applicant.~~

~~15.12.180 Building permit—Endorsement by building official.~~

~~When the building official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not thereafter be changed, modified, or altered without written authorization by the building official. All work shall be done in accordance with the approved plans and specifications.~~

~~15.12.190 Building permit—Partial construction.~~

~~The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved; provided, that adequate information and detailed statements concerning such part of the building or structure have been filed and comply with all pertinent requirements of this code. The holder of such permit for partial construction shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.~~

~~15.12.200 Building permit—Fee.~~

~~A fee for each permit issued shall be paid to the building official as set forth in Section 15.12.240.~~

~~15.12.210 Mechanical, electrical and plumbing permits—Issuance procedure.~~

~~The building official shall issue mechanical, electrical, and plumbing permits in accordance with the procedure set forth in Sections 15.12.220 through 15.12.230.~~

~~15.12.220 Mechanical, electrical and plumbing permits—Application—Conditions of issuance.~~

- A. ~~The application and any required plan and data filed by an applicant for a mechanical, electrical, or plumbing permit shall be checked by the building official. If the building official is satisfied that the work described and the application conform to the requirements, respectively, of the Uniform Mechanical Code, latest adopted edition, the National Electrical Code, latest adopted edition, and the Uniform Plumbing Code, latest adopted edition, the supplements thereto, and other pertinent laws and ordinances, and that the fee specified in Section 15.12.240 has been paid, he shall issue a permit therefor to the applicant.~~
- B. ~~The building official may issue a working, maintenance, or interim permit to a qualified applicant where he is satisfied that the full scope of the proposed work is unknown at the time of application and further that adequate information and statements have been filed indicating compliance with the requirement of said codes. All such interim permits issued shall be supplemented by a regular permit as the scope of the work in progress becomes known.~~

~~15.12.230 Mechanical, electrical and plumbing permits—Fee.~~

~~A fee for each permit issued shall be paid to the building official as set forth in Section 15.12.240.~~

~~15.12.240 Fees set by resolution of the city council.~~

~~The amount of fees required to be paid pursuant to the provisions of this title and the construction codes shall be established from time to time by resolution of the city council. Any reference in this chapter to Section 15.12.250 shall be construed as being a reference to this Section 15.12.240.~~

~~15.12.270 Plan check fees.~~

- A. ~~Whenever plans or other data are required to be checked to verify compliance with provisions of the construction codes before issuance of a permit under this code, plan checking fees shall be charged as follows:~~

- ~~1. The plan check fee for a residential (Group F) permit shall be forty percent (40%) of the permit fee.~~
- ~~2. The plan check fee for all other permits shall be sixty percent (60%) of the permit fee.~~

~~All plan check fees shall in no event be less than twenty-five dollars (\$25.00) and shall be paid in addition to the permit fees.~~

- B. ~~Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.~~

~~15.12.280 Public art fund fees.~~

~~All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 shall make contributions to the Brisbane public art fund in the amounts specified in Chapter 15.85.~~

~~15.12.290 Violation—Penalties.~~

~~The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. Such fines, penalties~~

and enforcement provisions are cumulative and shall be in addition to any other enforcement remedies specified in this chapter.

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.16 INSPECTIONS

Chapter 15.16 INSPECTIONS

15.16.010 Requirement.

All construction, work, and equipment for which a permit is required by this code or the construction codes shall be subject to inspections by the building official, and certain types of construction shall have continuous inspection by special inspectors, as specified in this chapter.

15.16.020 Types.

Among the principal types of inspections required by this code and the construction codes are the following:

- A. Foundation inspection;
- B. Frame inspection;
- C. Lath or wallboard inspection;
- D. Final inspection.

15.16.030 Time of occurrence for certain inspections.

Inspections shall be made as follows:

- A. Inspections other than those listed in subsection B of this section shall be made in accordance with the following principles:
 - 1. That portion of any construction, work, and equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.
 - 2. When any construction, work, or equipment is complete, a second or final inspection shall be made.
- B. The inspections listed below shall be made at the times described:
 - 1. A foundation inspection shall be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
 - 2. A frame inspection shall be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
 - 3. A lath and/or wallboard inspection shall be made after all lathing and/or wallboard interior and exterior is in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
 - 4. A final inspection shall be made after the building is completed and ready for occupancy.

15.16.040 Liability for certain expenses.

The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection.

15.16.050 Connection to power supply.

No construction, work, and equipment regulated by these codes shall be connected to any energy, fuel, or power supply until authorized by the building official.

~~15.16.060 Requests for inspection.~~

- ~~A. — The building official, upon notification from the permit holder or his agent, shall make appropriate inspections and shall either approve that portion of the construction, work, or equipment as complete, or shall notify the permit holder or his agent that the same fails to comply with the uniform construction administration code or the construction codes.~~
- ~~B. — The building official may require that every request for inspection be filed at least one (1) day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.~~
- ~~C. — It shall be the duty of the person requesting any inspection to provide access to and means for proper inspection.~~

~~15.16.070 Posting of inspection record card.~~

~~Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front of the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the building or structure is completed, and ready for occupancy.~~

~~15.16.080 Approval to proceed with construction.~~

~~No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in this chapter.~~

~~15.16.090 Final inspection and approval.~~

~~There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the building official if he finds that any construction, work, or equipment fails in any respect to comply with the requirements of these codes, or that the installation is unsafe, dangerous, or a hazard to life or property.~~

~~15.16.100 Other inspections.~~

~~The building official may require such other inspection as described in this section:~~

- ~~A. — A survey of any lot may be required by the building official to verify compliance with approved plans.~~
- ~~B. — In addition to the inspections specified above in this chapter, the building official may make or require any other inspections of any construction work to ascertain compliance with the provisions of this code, the construction codes, and other applicable laws enforced by the city.~~

~~15.16.110 Reinspections.~~

~~The building official shall make reinspections as provided in this section and may charge such fees therefor as authorized in this section.~~

- ~~A. — Where an inspection has found any work or construction to be incomplete or not to conform with this code and the construction codes, a reinspection is required.~~
- ~~B. — To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee assessed, if any.~~
- ~~C. — A reinspection fee may be assessed by the building official where the reinspection is made necessary by:~~

- ~~1. A failure to post the permit card properly on the work site;~~
 - ~~2. The unavailability to the inspector of the approved plans;~~
 - ~~3. A failure to provide access to the inspector on the date for which the inspection is requested;~~
 - ~~4. Unauthorized deviation from plans;~~
 - ~~5. Request for inspection made prior to the time the work to be inspected is complete;~~
 - ~~6. A failure to make the corrections called for on previous inspections.~~
- ~~D. Where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.~~

~~15.16.120 Special inspections—Authorized.~~

~~Notwithstanding the procedure set out in Section 15.16.060, the building official may authorize special inspections in accordance with the provisions set forth in Sections 15.16.130 through 15.16.170.~~

~~15.16.130 Special inspections—Required when.~~

~~The building official may require the owner to employ a special inspector in connection with the following work:~~

- ~~A. During the taking of concrete test specimens and placing of all reinforced concrete and pneumatically placed concrete. Exempt herefrom are the following:

 - ~~1. Concrete for foundations conforming to minimum requirements of Table 29-A of the Uniform Building Code, latest adopted edition, and for Group I and Group J, Division 1 Occupancies, provided the building official finds no special hazards exist;~~
 - ~~2. Concrete for foundations, when the structural design is based on a f_c no greater than two thousand (2,000) psi;~~
 - ~~3. Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) pounds per square inch;~~
 - ~~4. Site work concrete fully supported on earth and concrete where no special hazard exists;~~~~
- ~~B. Ductile moment-resisting concrete frames as required by Section 2626(h) of the Uniform Building Code, latest adopted edition;~~
- ~~C. During the stressing and grouting of prestressed concrete and during the placing of reinforcing steel, placing of tendons and prestressing steel for all concrete; the inspection of steel placement can be by periodic inspection as defined in Section 15.16.160;~~
- ~~D. All structural welding, including welding of reinforcing steel; ductile moment-resisting steel frames shall be inspected as required by Section 2722(g) of the Uniform Building Code, latest adopted edition. The building official may exempt from special inspection structural welding:

 - ~~1. When such welding is done in an approved fabricator's shop;~~
 - ~~2. Flood and deck welding and welded studs when used for structural diaphragm or composite systems with the approval of the building official. Such welding may be inspected periodically in accordance with Section 15.16.150. For periodic inspection, the inspector shall check qualifications of welders at start of work and then make final inspection of all welds prior to completion of welding;~~~~
- ~~E. During all bolt installations and tightening operations of high-strength bolts. The special inspector need not be present during the entire installation and tightening operation, provided:~~

1. ~~He has inspected the surfaces and bolt type for conformance to plans and specifications prior to start of bolting, and~~
2. ~~He will upon completion of all bolting verify the minimum specified bolt tension for ten percent (10%) of the bolts for each type of connection, for a representative sample of total connections established by the plans and specifications; provided, however, that:~~
 - a. ~~In bearing type connections when threads are not required by design to be excluded from the shear plane, inspection prior to or during installation shall not be required, and~~
 - b. ~~When bolting is done by an approved fabricator's shop, special inspection shall not be required;~~
- F. ~~During preparation of masonry wall prisms, sampling and placing of all masonry units, placement of reinforcement, inspection of grout space immediately prior to closing of cleanouts, and during all grouting operations. Where the fm is less than two thousand six hundred (2,600) psi and special inspection stresses are used, test specimens may consist of either one prism test for each five thousand (5,000) square feet of wall area or a series of tests based on both grout and mortar for the first three (3) consecutive days and each third day thereafter. Special inspection will not be required for structures designed in accordance with the values in appropriate tables of Chapter 24 of the Uniform Building Code, latest adopted edition;~~
- G. ~~When cast-in-place Class B gypsum concrete is being mixed and placed;~~
- H. ~~During the application of insulating concrete fill when used as part of a structural system. The special inspection may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection;~~
- I. ~~During driving and testing of piles and construction of cast-in-place drilled piles or caissons;~~
- J. ~~During earthwork excavations, grading and filling operations, inspection to satisfy requirements of Chapter 29 and Chapter 70 (Appendix) of the Uniform Building Code, latest adopted edition, must be provided;~~
- K. ~~Any work which, in the opinion of the building official, involves unusual hazards.~~

15.16.140 Special inspections—Qualifications and responsibilities of inspector.

- A. ~~The person making such special inspection shall be someone other than the contractor or an employee of the contractor, who is qualified to perform such special inspection and who shall demonstrate his competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection.~~
- B. ~~Such inspector shall observe the work assigned to be certain it conforms to the design drawings and specifications.~~
- C. ~~Such inspector shall furnish inspection reports to the building official, the engineer or architect of record and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the building official.~~
- D. ~~Such inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of his knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions of the construction codes.~~

15.16.150 Special inspections—Waiver of requirement.

~~The building official may waive the requirement for such special inspection if he finds that the construction is of minor nature.~~

~~15.16.160 Special inspections—Performed periodically.~~

~~Such inspections may be done on a periodic basis and still satisfy the requirement of continuous inspection; provided, such periodic inspection is performed as outlined in the project plans and specifications and approved by the building official.~~

~~15.16.170 Special inspections—Exemption of fabricators.~~

~~A. —Special inspections required by Sections 15.16.120 through 15.16.160 shall not be required where the work is done on the premises of a fabricator registered and approved by the building official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the building official if it is found that any work done pursuant to the approval is in violation of this code or the construction codes. Such fabricator shall submit to the building official and to the engineer or architect of record a certificate of compliance that the work was performed in accordance with the approved plans and specifications. The approval by the building official of a person as a fabricator under this section is conditional upon the following:~~

- ~~1. —Development and submission by such person of a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant;~~
- ~~2. —Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual by an approved inspection or quality control agency;~~
- ~~3. —Periodic plant inspections conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.~~

~~B. —It shall be the responsibility of the inspection or quality control agency to notify the building official in writing of any change to the procedural manual. Any fabricator approval may be revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past year.~~

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.20 CERTIFICATES OF OCCUPANCY

~~Chapter 15.20 CERTIFICATES OF OCCUPANCY~~

~~15.20.010 Required.~~

~~No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the building official has issued a certificate of occupancy therefor as provided in this chapter.~~

~~15.20.020 Issuance—Contents.~~

~~After final inspection, when it is found that the building or structure complies with the provisions of this code, the construction codes, and other applicable laws, the building official shall issue a certificate of occupancy which shall contain the following:~~

- ~~A. —The building permit number;~~
- ~~B. —The address of the building;~~
- ~~C. —The name and address of the owner;~~
- ~~D. —A description of that portion of the building for which the certificate is issued;~~
- ~~E. —A statement that the described portion of the building complies with the requirements of said codes for group and division of occupancy and the use for which the proposed occupancy is classified;~~
- ~~F. —The name of the building official.~~

~~15.20.030 Temporary certificate.~~

~~A temporary certificate of occupancy may be issued by the building official for the use of a portion or portions of a building or structure.~~

~~15.20.040 Posting.~~

~~The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.~~

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.44 FIRE PREVENTION CODE

15.44.040 Section 105.~~7.17.6.25~~ added—Permit fees.

Section 105.~~6.257-17~~ is added to the fire code, to read as follows:

105.~~6.257-17~~ 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.

15.44.130 Section ~~709-710~~ added—Roof coverings.

Section ~~709-710~~ is added to the fire code, to read as follows:

~~71009~~ 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.

15.44.150 Section 5601.~~1.62~~ amended—General.

Section 5601.~~1.62~~ 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.

15.44.190 Section 903.2.2~~21~~ added—Sprinkler protection of car stackers.

Section 903.2.2~~21~~ of the fire code is added to read:

Sections 903.2.2~~21~~ Purpose: To establish requirements for sprinkler protection of car stackers not specifically addressed in NFPA 13.

Section 903.2.2~~1-2~~- Car Stackers

Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group ~~1~~ 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.

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 at 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.

15.44.230 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.

15.44.240 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 at 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.

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.81 ONSITE ENERGY GENERATION

~~Chapter 15.81 ONSITE ENERGY GENERATION~~

~~15.81.010 Title.~~

~~This chapter shall be known as the City of Brisbane Onsite Energy Generation Ordinance.~~

~~15.81.020 Authority.~~

~~The building official or the building official's designee shall have the authority to enforce the provisions of this chapter.~~

~~15.81.030 Coordination with state energy regulations.~~

~~This chapter does not replace the most recent edition of the Building Energy Efficiency Standards for Residential and Non-residential Buildings, Title 24, Part 6 of the California Code of Regulation as adopted by the city in Chapter 15.04 of this Title, ("Energy Code"). This Chapter 15.81 amends the energy code to place additional provisions on new residential and non-residential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions of the energy code, then the most energy conserving provisions shall supersede and control.~~

~~15.81.040 Definitions.~~

~~Definitions of terms are as provided in the energy code.~~

~~15.81.050 Solar installation—Local amendment to state energy code.~~

~~Subchapter 2 of the Energy Code—All Occupancies—Mandatory Requirements for the Manufacture, Construction and Installation of Systems, Equipment, and Building Components is amended to include:~~

~~Solar photovoltaic systems shall be installed on both non-residential and residential building types as follows:~~

~~A. New Non-residential and High-Rise Residential buildings:~~

- ~~1. Buildings with less than 10,000 square feet of gross floor area shall provide a minimum of a 3 kilowatt photovoltaic system.~~
- ~~2. Buildings with 10,000 square feet or more of gross floor area shall provide a minimum of a 5 kilowatt photovoltaic system.~~
- ~~3. Exception: As an alternative to a solar photovoltaic system listed above, a solar hot water system (solar thermal) may be substituted for all or part of the photovoltaic system, upon submittal of written documentation demonstrating at least the equivalent energy savings to the otherwise required photovoltaic system, subject to approval by the Building Official.~~

~~B. New Single Family and Low-Rise Residential Buildings shall comply with the requirements of Title 24, Part 6 of the California Code of Regulation, Section 150.1(c)14, as adopted by the City in Chapter 15.04:~~

~~C. New Mixed-use Buildings:~~

- ~~1. Mixed-use buildings shall provide the minimum-sized photovoltaic system for both the residential and non-residential components of the building (i.e.: residential and non-residential minimum requirements are considered additive).~~

~~15.81.060 Infeasibility exemption.~~

~~If an applicant believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption via written request to the building official. In applying for the exemption, the burden is on the applicant to demonstrate infeasibility to the satisfaction of the building official. Infeasibility exemption may be granted on the basis of site specific cost effectiveness study information or other site or project specific factors.~~

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.83 BUILDING ELECTRIFICATION

~~Chapter 15.83—BUILDING ELECTRIFICATION~~

~~15.83.010—Title.~~

~~This chapter shall be known as the City of Brisbane Building Electrification Ordinance.~~

~~15.83.020—Authority.~~

~~The building official or the building official's designee shall have the authority to enforce the provisions of this chapter.~~

~~15.83.025—Coordination with state energy regulations.~~

~~This chapter does not replace the most recent edition of the Building Energy Efficiency Standards for Residential and Non-residential Buildings, Title 24, Part 6 of the California Code of Regulation as adopted by the city in Chapter 15.04 of this Title, ("Energy Code"). This Chapter 15.83 amends the energy code to place additional provisions on new residential and nonresidential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions of the energy code, then the most energy conserving provisions shall supersede and control.~~

~~15.83.030—Purpose.~~

~~The purpose of this chapter is to reduce greenhouse gas emissions through the electrification of new buildings and reduction in the use of fossil fuels.~~

~~15.83.040—Application.~~

~~This chapter applies to the permitting of all new residential and new non-residential development projects. It does not apply to portable equipment, such as barbeques, with gas supplied by a self-contained, portable fuel tank.~~

~~15.83.050—Definitions:~~

~~For the purposes of this chapter, the following definitions shall apply:~~

- ~~A.—Appliance: "Appliance" means an installed, energy using device or equipment used for basic residential or non-residential task, such as cooking range, refrigerator and dishwasher.~~
- ~~B.—All electric building: "All electric building" means a building requiring power that has no natural gas, propane or other fossil fuel plumbing installed within the building and instead uses electricity as the source for its building systems and appliances, such as space heating and/or cooling, water heating, cooking appliances and clothes drying appliances. All electric buildings may include solar thermal water heating.~~
- ~~C.—Building system: "Building system" means the building's installed air conditioning, space heating, lighting, water heating and similar equipment to be utilized throughout the building.~~
- ~~D.—Life science building: "Life science building" means a building where research, experiments and measurement in medical and life sciences are performed and/or stored requiring examination of fine details. The building may include a combination of scientific work areas and the supporting offices.~~

~~15.83.060—Building requirements—this section shall be effective January 1, 2021.~~

~~A.—New Residential Development. New residential construction shall comply with the following provisions:~~

~~1.—Electric Building Standards:~~

~~a.—New residential buildings shall be all electric.~~

~~2.—Exception:~~

~~a.—Residences may include non-electric cooking appliances and fireplaces. Where a non-electric cooking appliance is to be used, the appliance location shall also be pre-wired for future electric appliance installation, with electrical capacity and the reserved circuit breaker space for each appliance identified.~~

~~The applicant may submit a written request for a financial hardship exception, subject to building official approval. In such cases, it shall be demonstrated that the costs, including short and long term operating costs, would be more expensive under the ordinance provisions.~~

~~B.—New Non-residential Development. New non-residential construction shall comply with the following provisions:~~

~~1.—Electric Building Standards:~~

~~a.—New non-residential buildings shall be all electric.~~

~~2.—Exceptions: The following exceptions apply:~~

~~a.—Life science buildings.~~

~~b.—Other building types where it can be demonstrated in writing, subject to building official approval, that non-electric building components are essential as a core component of the intended building use, such as a barbeque-themed restaurant, pizza oven, etc. and the use could not reasonably be accommodated by electric building systems or appliances.~~

~~c.—The applicant may submit a written request for a financial hardship exception, subject to building official approval. In such cases, it shall be demonstrated that the costs, including short and long term operating costs, would be more expensive under the ordinance provisions.~~

Title 15 - BUILDINGS AND CONSTRUCTION
Chapter 15.86 ELECTRIC VEHICLE CHARGING STATION PERMIT STREAMLINING

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.

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.
- ~~A-B.~~ "Electronic submittal" means using the city's online portal or the internet.
- ~~B-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.
- ~~C-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.
- ~~D-A.~~ "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- 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.

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 ~~65870~~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 ~~65870~~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 fifteen (15) business days. 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, ~~notice of an incomplete application with deficiencies indicated~~, 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.

15.86.060 - Appeals.

- ~~A. —An applicant may appeal tThe decision of the building official may be appealed by the applicant to the planning commission in accordance with the procedures set forth in Title 17, except that the appeal mustshall be filed within seven (7) calendar days ofafter the date on which the decision wasis rendered.The applicant may appeal the building official's action or conditions imposed and such shall be~~

~~made to the city manager in writing, clearly stating the reason for appeal, and filed with the city clerk within ten (10) calendar days after the final action of the building official.~~

~~B.A. The city manager shall consider the appeal within thirty (30) days and may affirm, reverse or modify the director's decision concerning the department decision. The decision of the city manager shall be final.~~

File Attachments for Item:

H. Consider Sending a Letter Recommending a Federal Climate Emergency Declaration



CITY COUNCIL AGENDA REPORT

Meeting Date: November 17, 2022

From: Adrienne Etherton, Sustainability Manager

Subject: Letter recommending a Federal Climate Emergency Declaration

Community Goal/Result

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Purpose

To provide Council with the opportunity to review a draft letter to the Biden Administration encouraging a Federal Climate Emergency Declaration.

Recommendation

Consider sending the attached letter recommended by the Open Space and Ecology Committee (OSEC).

Background and Discussion

On July 15, 2021, the City Council, in concurrence with OSEC's recommendation, passed Resolution No. 2021-62 "Declaring a Climate Emergency and Initiating Immediate and Accelerated Action to Address the Climate Crisis and Limit Global Warming to 1.5 Degrees Celsius" following hundreds of other communities around the world in recognition of the threat to humanity and our environment posed by climate change.

In February 2022, the Center for Biological Diversity released a report titled "The Climate President's Emergency Powers" detailing the legal authority available if the President were to declare a state of emergency due to the climate crisis. OSEC became interested in a federal climate emergency declaration recommendation after learning of this report over the summer.

In August, the Inflation Reduction Act (IRA) burst onto the scene and was quickly enacted into law, becoming the largest climate legislation in US history. While historic and hugely beneficial to the climate fight, the act still falls short of the "whole of government" approach required for this existential challenge. Indeed, a subsequent report by The Revolving Door Project detailed gaps not addressed by the IRA which could be addressed through executive powers and an emergency declaration.

The proposed letter was drafted by OSEC's Climate Action Plan Subcommittee, aligns with the City's adopted Climate Emergency Declaration, and draws on the research of the referenced reports to provide example actions the Biden Administration could take.

Fiscal Impact

None.

Measure of Success

The Biden Administration declares a climate emergency and uses the power of the Executive Branch to address climate change.

Attachments

1. Letter to President Biden encouraging a federal Climate Emergency Declaration



Adrienne Etherton, Sustainability Manager



Randy Breault, Public Works Director



Clay Holstine, City Manager



City of Brisbane
 50 Park Place
 Brisbane, CA 94005-1310
 (415) 508-2100

[Date]

President Joseph R. Biden
 The White House
 1600 Pennsylvania Avenue, N.W.
 Washington, DC 20500

Dear President Biden,

The Inflation Reduction Act (IRA) of 2022 is a historic piece of legislation but will still fall short of protecting the United States, the Earth and humanity from climate change, which is already having adverse effects on weather and health. The City of Brisbane California urges you to declare a climate emergency and use your executive authority to augment and jumpstart the provisions of the IRA and speed the transition from fossil fuels to renewables.

It is within your executive powers to implement policies throughout the federal agencies to enforce existing climate friendly policies and close loopholes that allow the worst polluters to make the most profits. The Revolving Door Project's "The Corporate Crackdown Project - Climate" report from August 2022 (Ref 1) suggests a number of important actions you can take, such as sanctioning those who attack Amazon forest protectors, auditing the Defense Department's pollution-generating practices (burn pits and fossil fuel dependence), and incorporating the true cost of environmental damage into the Office of Information and Regulatory Affairs "cost-benefit" analysis.

Further, through declaration of a climate emergency you could unlock various executive emergency powers to reduce dependence on and production of fossil fuels, as described in the Center for Biological Diversity's report "The Climate President's Emergency Powers" from February 2022 (Ref 2). Two of the most important actions that have not been addressed by the IRA are suspending new domestic fossil fuel leases (whether offshore or on public lands) and using the International Emergency Economic Powers Act (IEEPA) to sanction investment in fossil fuel production abroad.

The City of Brisbane invites you to join us and hundreds of other communities around the country in declaring a climate emergency and urges you to use all the powers granted to the Executive Branch to protect the United States and her citizens from the dire consequences of climate change.

Sincerely,

Coleen Mackin
 Mayor, City of Brisbane

References

1. Corporate Crackdown Project - Climate (<https://therevolvingdoorproject.org/wp-content/uploads/2022/09/Corporate-Crackdown-Project-Climate-1.pdf>) and its two-page summary (<https://therevolvingdoorproject.org/wp-content/uploads/2022/09/Corporate-Crackdown-Climate-two-pager.pdf>) from the Revolving Door Project, August 2022.
2. The Climate President's Emergency Powers, (<https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Climate-Emergency-Powers-Report.pdf>) from the Center for Biological Diversity, February 2022