

DOCKETED

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Filer:	Danuta Drozdowicz
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SUSTAINABILITY DIVISION

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: January 21, 2020

Subject

Adoption of Local Amendments to 2019 California Energy & Green Building Standards Codes (Reach Code)

Recommended Action

1. Conduct the second reading and enact "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.54 and 16.58 Adopting the 2019 California Energy Code and Green Building Standards Code with Certain Exceptions, Deletions, Modifications, Additions and Amendments."

Background

On November 19, 2019, the City Council held a Study Session to consider reach code policy options. At that time, Council and the public expressed strong interest in an all-electric reach code, which would require, rather than incentivize, electric appliances for space and water heating, cooking, clothes drying, and a higher level of electric vehicle charging than the State Code requires.

On December 17, 2019, the Council conducted the first public hearing of this ordinance. During the first reading of the ordinance, Council discussed the merits of the reach code provision, and ultimately voted to strengthen the ordinance by requiring electrification of fireplaces (indoor and outdoor) and detached Accessory Dwelling Units, and making changes to the request process for installing gas appliances in commercial kitchens. The specific changes are outlined further below.

Discussion

Staff recommends enacting the attached ordinance in order to make modifications to the California Energy Code and Green Building Standards Code. A public hearing and first reading of this ordinance was held on December 17, 2019, at which time staff provided an overview of the reach code measures proposed in the ordinance, described the reach code development process, and explained staff's findings that the energy reach code is cost-effective and will require the diminution of energy consumption levels permitted by the state Energy Code. A copy of that report is attached.

During the first public hearing of the reach code ordinance, Council directed staff to make several amendments, which are detailed below:

Amendment to 16.54.100 Scope, Exception 3 to read:

Exception 3: Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for a modification to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official shall grant this modification if he or she finds the following:

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

If the Building Official grants a modification, the applicant shall comply with the pre-wiring provision of Note 1 below.

~~Exception 3: Kitchens located within nonresidential buildings shall be exempt from the all-electric building provisions of this section. If this Exception applies, the applicant shall comply with the pre-wiring provision of Note 1 below.~~

Amendment to 16.54.100 Scope, Exception 5 to read:

Exception 5: Attached Accessory Dwelling Units and Junior Accessory Dwelling Units that are not stand-alone shall be exempt from the all-electric building provisions of this section. For purposes of this exception, “Accessory Dwelling Unit” and “Junior Accessory Dwelling Unit” has the same definitions as set out in Government Code Sections 65852.2 and 65852.22, respectively.

Amendment to 16.54.110 Definitions and Rules of Construction, All-Electric Building to read:

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

Next Steps

Upon adoption, the ordinance will be submitted to the California Building Standards Commission (CBSC). Under California PRC §25402.1(h)2, the CBSC may require California Energy Commission (CEC) approval for any energy-related portions of the ordinance, in order to demonstrate that the Council has acted in accordance with the procedure to adopt a local energy reach code.

Sustainability Impact

The proposed ordinance is expected to mitigate much of the carbon emissions impact of future development in the City of Cupertino, bringing the City closer to meeting the target emissions reduction pathway as outlined in the Climate Action Plan. This ordinance also aligns Cupertino with current and anticipated future State policies to decarbonize the building and transportation sectors.

Fiscal Impact

None anticipated.

Prepared by: Andre Duurvoort, Sustainability Manager

Reviewed by: Katy Nomura, Assistant to the City Manager

Albert Salvador, Assistant Director of Community Development/Building
Official

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Ordinance

B – Redlined Version of Ordinance

C – December 17, 2019 Staff Report – First Reading