

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	232173-8
Document Title:	City of Pacifica - 2019 11-12-2019 Staff Report - Building Code Update
Description:	Plain text of the City of Pacifica 11-12-2019 staff report
Filer:	Danuta Drozdowicz
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/21/2020 11:59:51 AM
Docketed Date:	2/21/2020



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

11/12/2019

SUBJECT:

Introduction of an Ordinance to Adopt the 2019 Edition of the California Building Standards Code and Fire Code with Local Amendments, including amendments that would exceed the minimum energy efficiency standards established by the State (Reach Codes)

RECOMMENDED ACTION:

Move to introduce by title only and waive the first reading of an Ordinance of the City Council of the City of Pacifica:

- Repealing and replacing Chapters 1 (Building Code), 2 (Mechanical Code), 3 (Plumbing Code), 4 (Electrical Code), 5 (International Property Maintenance Code), 6 (Energy Code), 7 (Green Building Code), 7.5 (Residential Code), 8 (Historical Buildings Code, 8.5 (Existing Buildings Code), 9 (Reference Standards) of Title 8 of the Pacifica Municipal Code, to adopt by reference the 2019 California Building Standards (California Code of Regulation, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12) and the 2018 International Property Maintenance Code and making certain amendments thereto;
- Repealing and replacing Article 1 (California Fire Code) of Chapter 3 (Fire Protection) of Title 4 of the Pacifica Municipal Code to adopt the 2019 California Fire Code and making certain amendments thereto; and
- Find adoption of the ordinance exempt from the California Environmental Quality Act; and

Provide direction to Staff to schedule the second reading of the Ordinance on November 25, 2019.

STAFF CONTACT:

Tina Wehrmeister - Planning Director
(650) 738-7341
wehrmeister@ci.pacifica.ca.us

Shane Lauderdale - Deputy Fire Chief
(650) 991-8138
slauderdale@northcountyfire.org

Joshua Montemayor - Management Analyst II
(650) 738-7342
montemayorj@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

Every three years ("Triennial"), the State of California adopts new changes to the California Building Standards Code, pursuant to the California Code of Regulations, Title 24. Every city

and county is required to adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code. If no such ordinance is adopted, the standards set forth in Title 24 are still imposed on the city or county by default. Sections 17958, 17958.5, 17958.7, and 18941.5 of the Health & Safety Code provide that a city or county may make amendments to the California Building Standards that are reasonably necessary because of local climatic, geological, or topographical conditions.

California Government Code sections 50022.2 and 50022.3 require that for certain codes that are adopted by reference, such as the International Property Maintenance Code, the City must conduct the first reading of the ordinance and then schedule a public hearing for the second reading of the ordinance. Certain notice requirements for the second reading of the ordinance are set forth in Government Code sections 50022.3, which include publication of the notice in a local newspaper prior to the scheduled date of the second reading.

The proposed ordinance, included as Attachment 1, will repeal and re-enact portions of Pacifica Municipal Code (PMC) Title 8 (Building Regulations) and Title 4, Chapter 3, Article 1 (Fire Code), with local amendments. The Building/Fire local amendments are reasonably necessary due to the local climatic, geological, and topographical conditions of the City, as detailed in the required findings of the ordinance (Attachment 6).

With the exception of new local amendments to the Energy Code described below, the City of Pacifica has consistently over several code cycles, adopted the local amendments contained in the proposed ordinance. Such local amendments are typical of the triennial update and are not changing from the existing Code and include but are not limited to: Building Code, Residential Code, Fire Code, Plumbing Code, Electrical Code, Energy Code and Green Buildings Code.

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

On July 8, 2019, the City Council received a report and heard a presentation regarding the inclusion of local amendments to the 2019 Building Code update and directed Staff to prepare Reach Codes for the Council's consideration (see Attachment 5 for the July 8 staff report). Council indicated support for further study and development of Reach Codes provided that the following concerns are addressed as summarized below:

Public Notice: Notice of this agenda item was placed in the Pacifica Tribune. In addition, staff sent email notices regarding Council's consideration of reach codes to contractors in our permit data base.

City Council Concerns	Outcome
1. Cost effectiveness of construction and operation.	A supplemental memorandum from TRC Advanced Energy found Pacifica’s proposed Reach Codes to be cost effective, as determined by a cost effectiveness analyses conducted by the California Statewide Codes and Standards Program (see Attachments 2, 3 and 5).
2. Impact on additions and remodels of mixed-fuel homes.	The proposed Reach Codes apply to new construction, and not additions or remodels.
3. Impact on Accessory Dwelling Units (ADUs).	With the intent of encouraging housing, ADUs will be exempt from electrification as this would likely trigger an electrical service upgrade to the main panel of dwelling unit.
4. Effect of Reach Codes on Coastal Commission residential building guidelines.	No effect. Areas within the Coastal Zone are under the purview of the California Coastal Commission as they relate to Land Use policy issues, and not Building Code policy issues.

New Local Amendments to the Energy Code (Proposed Reach Codes)

At the July 8 meeting, the Council authorized the City Manager to submit a letter of intent to develop Reach Codes for Council’s consideration to Peninsula Clean Energy (PCE) in order to receive \$10,000 in grant funding to off-set costs in relation to development of Reach Codes.

The proposed Reach Codes, which are found in Section 16 of the proposed ordinance (Attachment 1), are consistent with Climate Action Plan (CAP) goal 4.1.1 which states the City should “Require Green Building Practices in Both the New Construction and Remodel Market.” While the baseline state code has made great strides in implementing green building practices, Reach Codes provide an opportunity to achieve greater emission reductions. Greenhouse gas (GHG) free electricity can best be realized by electrification of new and existing buildings. Electrification transitions buildings away from natural gas and gasoline to clean energy. By developing electrification Reach Codes, Pacifica can potentially save energy and reduce GHG emissions. PCE is a community choice aggregator and the primary provider of clean electricity in San Mateo County with an intended goal to provide 100% renewable electricity for all its customers by 2025. The City of Pacifica recognizes the benefit of greenhouse gas free electricity and participates in the PCE program. As mentioned earlier, the City received a \$10,000 grant from PCE for technical assistance to develop Reach Codes with a commitment to participate in the initiative to further reduce climate pollution.

A summary of the proposed Reach Codes is provided below. The proposed Reach Codes were chosen based on simplifying PCE’s model Reach Codes to less convoluted requirements, feasibility and cost-effectiveness, significant greenhouse gas reductions (providing the greatest environmental benefit), and ease of implementation.

Summary of Proposed Reach Codes Requirement/Standards	
Building Type	Requirements/Standards
New Residential Buildings (Single-family and three stories or less multifamily)	<ol style="list-style-type: none"> 1. Require electric fuel source for space heating, water heating and clothes dryers. 2. Natural gas can be used (if desired) for cooking appliances and fireplaces. 3. If natural gas appliances are used, locations must also be electrically pre-wired for future electric appliance installation.
Accessory Dwelling Units (ADUs)	<ol style="list-style-type: none"> 4. All ADU types shall be exempt from Reach Code requirements.
New Non-Residential Buildings and High-Rise Multifamily Buildings (Three stories and greater)	<ol style="list-style-type: none"> 5. Require to use electricity as the fuel source for all appliances, including but not limited to heating/cooling appliances, cooking appliances, fireplaces and clothes dryers. 6. Require to install a minimum amount of on-site solar based on square footage: <ol style="list-style-type: none"> a. Less than 10,000 square feet requires a minimum of three kilowatt photovoltaic system. b. Greater than or equal to 10,000 square feet requires a minimum of five kilowatt photovoltaic system. 7. Exceptions to using natural gas shall include: <ol style="list-style-type: none"> a. Public agency owned and operated emergency operation centers (such as fire and police stations) can use natural gas. b. Nonresidential kitchens (such as for-profit restaurants) may use natural gas with Building Official approval. 8. If natural gas appliances are used for any of the above exceptions, locations must also be electrically pre-wired for future electric appliance installation.

Cost Effectiveness Analysis

In order to comply with Public Resources Code section 25402.1(h) (2) and section 10-106 of the Building Energy Efficiency Standards, the City Council must find that the proposed Reach Codes are cost effective and require buildings to be designed to consume no more energy than permitted by Title 24.

The proposed Reach Codes were found to be cost effective as determined by a cost effectiveness study conducted by the California Statewide Codes and Standards Program. Additionally, TRC Advanced Energy provided a memorandum which analyzed the study conducted by the California Statewide Codes and Standards Program and concluded that the proposed amendments set forth in the Reach Codes for new construction and solar production are cost effective.

The studies and memorandum in Attachments 2, 3, and 4 present the research and cost

effectiveness analysis of various building prototypes with different Reach Code options. The studies conducted by the California Energy Codes and Standards act as tools for local jurisdictions to select different Reach Code options ranging from increased efficiency to all-electric requirements. For Pacifica, the studies and the memo prepared by TRC Advanced Energy provide evidence that the proposed amendments for new construction and solar production are cost effective.

As originally discussed at the July 8, 2019 study session, a majority of the cost savings is experienced upfront in the construction phase by avoiding the cost to install natural gas infrastructure. The proposed ordinance encourages electric readiness by requiring that natural gas appliance locations be electrically pre-wired for future electric appliance installation and therefore mitigating retrofit costs in the future.

Consideration of Reach Codes in Other Jurisdictions

Other neighboring jurisdictions such as cities of San Mateo, Menlo Park, and Brisbane have adopted or expressed support for similar approaches to Reach Codes. Other local cities such as Atherton and South San Francisco are not exploring Reach Codes at this time.

Summary

Staff is recommending that the City Council conduct the first reading of the proposed ordinance to adopt by reference the 2019 Edition of the California Building Standards Code and Fire Code with the local amendments identified in the ordinance, including the proposed Reach Codes that would exceed the minimum energy efficiency standards established by the State. The Reach Codes as summarized in the table above are determined to meet the cost effectiveness requirement.

Staff also recommends that Council provide direction to Staff to schedule the second reading of the ordinance on November 25, 2019 in order to comply with the noticing requirements set forth in Government sections 50022.2 and 50022.3.

If Council adopts the proposed ordinance at the second reading, the local amendments will need to be submitted to various state agencies for review. The Reach Codes will need to be submitted to the California Energy Commission for consideration and approval.

CEQA:

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA"), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of this ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as actions by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

ALTERNATIVE ACTION:

The Council may decline to adopt local amendments or request modifications. However, the proposed local amendments carrying over from previous years (as opposed to new amendments) have been identified in order to protect the public, health, and safety in consideration of local climatic, geological, and topographical conditions present in the City of Pacifica as described in the findings contained in the proposed ordinance.

The Council may decline to adopt or make amendments to the proposed Reach Codes. If the City Council desires to make further substantive amendments beyond those identified in the proposed ordinance, it is unlikely that the proposed ordinance would be implemented by January 1, 2020. Reach Codes may be adopted at any time, however, by adopting Reach Codes before the beginning of the triennial code cycle, the implementable time is maximized and it makes it easier for the enforcing department.

Council may alternatively direct Staff to further evaluate the Reach Code options and adopt the proposed ordinance in Attachment 1 without the Reach Codes included.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Adoption of the proposed ordinances is consistent with the following Council adopted Goals:

- Maintaining a Safe Community: adoption and implementation of the California Building Standards Code ensures that the public health and safety is maintained through safe construction methods.
- Council Initiative No. 9: Consideration of Reach Codes is consistent with City Council initiative to *complete an update to the Climate Action Plan and continue implementation of measures to reduce greenhouse gas emissions, including evaluating whether to form a City climate action committee.*

FISCAL IMPACT:

Staff costs to prepare Reach Codes and associated studies have been off-set by a \$10,000 grant from Peninsula Clean Energy for technical support. Adoption of the “baseline” Title 24 Building Code was factored into the Planning Department budget for FY 19-20, including City Attorney Office support.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:

Attachment 1 - Proposed Ordinance for 2019 Building Code and Fire Code Update with Local Amendments (DOCX)

Attachment 2 - Hyperlink to Statewide Reach Code Residential Cost Effectiveness Study

Attachment 3 - Hyperlink to Statewide Reach Code Nonresidential Cost Effectiveness Study

Attachment 4 - TRC Memorandum on Cost Effectiveness Analysis (DOCX)

Attachment 5 - July 8, 2019 Reach Code Study Session (PDF)

Attachment 6 - Findings Supporting Local Amendments (DOCX)