

**DOCKETED**

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## Agenda Report

21-1561

Agenda Date: 11/16/2021

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### REPORT TO COUNCIL

#### SUBJECT

Resolution Establishing an Effective Date of January 1, 2022, for Ordinance No. 2034 (All-Electric Building Electrification Reach Codes Including EV Charging)

#### COUNCIL PILLAR

Promote Sustainability and Environmental Protection

#### BACKGROUND

The City of Santa Clara is committed to sustainability, as one of seven City Council strategic pillar priorities, to support a healthy and livable future. Santa Clara's Climate Action Plan (CAP), adopted in 2013, includes strategies to reduce greenhouse gas (GHG) emissions and is currently in the process of being updated to further strengthen emissions reductions.

Every three years, the State of California adopts new building standards that are organized in Title 24 of the California Code of Regulations, referred to as the California Building Standards Code. The most recent code cycle was adopted in 2019 with an effective date of January 1, 2020.

This code cycle is an opportunity for cities and counties to adopt optional local energy code amendments, known as reach codes, that exceed or enhance State code standards. Historically, jurisdictions have adopted reach codes to the California Energy Code (Title 24, Part 6) and the California Green Building Standards Code (CALGreen) (Title 24, Part 11), to meet local climate action goals.

While the requirements of the 2019 version of the code move in the direction of zero-net-energy performance, the City of Santa Clara has the opportunity to achieve greater energy savings and accelerate decarbonization through an all-electric reach code that also prepares the community for the transition to transportation electrification.

After ordinance adoption, these local amendments to the Energy Code must be approved by the California Energy Commission (CEC) and filed with the California Building Standards Commission (CBSC) for the amendments to take effect.

During the March 2, 2021 City Council meeting, staff requested direction on proceeding with establishment of an all-electric reach code to address building electrification and electric vehicle (EV) infrastructure. The City Council provided direction to proceed with preparing an all-electric reach code with EV charging requirements. Additionally, at the July 13, 2021 City Council CAP study session, the City Council confirmed the inclusion of an all-electric reach code with EV charging to be incorporated into the proposed CAP Update.

On October 19, 2021, the City Council voted unanimously to introduce an all-electric reach code ordinance with EV charging requirements. The proposed ordinance factored in regional and State consistency and Santa Clara specific circumstances while setting a course to achieve critical decarbonization goals and meet EV charging demand.

### DISCUSSION

This Resolution is to establish an effective date for Ordinance No. 2034 and to address any projects that would not be subject to the Ordinance requirements based on permit or approval timelines.

Ordinance No. 2034, all-electric building electrification reach codes including EV charging, would apply to all new building permit applications filed with the City on or after January 1, 2022 pending CEC approval. The City also recognizes that projects which have already received Planning Permits prior to January 1, 2022 could be impacted without the inclusion of a "pipeline" provision in the approved effective date of the Ordinance. Similarly, single-family projects which are already in the City's design review process, and which are potentially designed to include natural gas appliances could be impacted. Therefore, the following projects would not be subject to Ordinance 2034 requirements:

- Projects which have received Planning Permits prior to the January 1, 2022 effective date.
- Single-family projects that apply for building permits or receive planning permits prior to April 1, 2022.

### ENVIRONMENTAL REVIEW

The Resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There are no reasonably foreseeable adverse impacts from this resolution and there is no possibility that the activity in question would have a significant effect on the environment.

### FISCAL IMPACT

The proposed Resolution has no fiscal impact to the City.

### COORDINATION

This report has been coordinated with the City Manager's Office, the Community Development Department, and the City Attorney's Office.

### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### RECOMMENDATION

Staff recommend that City Council adopt the proposed resolution, as written, of the City of Santa Clara, California establishing a timeline for implementation of an all-electric building electrification

reach code ordinance including electric vehicle (EV) charging.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Ordinance 2034 Introduction and Attachments A and B
2. Resolution establishing an effective date for Ordinance No. 2034