

**DOCKETED**

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<b>Filer:</b>	Danuta Drozdowicz
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## EXHIBIT A

### CHAPTER 15.36 —ENERGY CODE

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- 15.36.090. Solar requirements.

#### **15.36.010. Adoption of Energy Code.**

This chapter shall be known and may be cited and referred to as the “Energy Code for the City of Santa Clara.”

#### **15.36.020. Adoption by reference.**

The “2019 California Energy Code” adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 6 is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the “Energy Code” for the City of Santa Clara.

#### **15.36.030. Definitions.**

2019 California Energy Code Section 100.1(b) (Definitions) is hereby amended by adding the following definitions:

**ALL ELECTRIC BUILDING:** is a building or building design that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances not excluding any exceptions as defined below. All Electric Buildings may include solar thermal pool heating.

**NEW CONSTRUCTION:** For the purposes of All-Electric Building requirements, “newly constructed buildings” shall include the buildings defined in Section 100.1 as well as newly constructed additions and improvements in existing buildings where more than 50 percent of the exterior walls are removed or 50 percent of the wall plate height is raised. The Chief Building Official shall make the final determination regarding the application of this section.

For the purposes of All-Electric Building requirements, “newly constructed buildings” shall not include newly constructed additions and tenant improvements in existing buildings except as defined above.

**15.36.040 Scope.**

- (a) Any project that has submitted an application deemed complete by the Director of Community Development for either a planning or building entitlement prior to January 1, 2022, is exempt from the All-Electric Building requirements.
- (b) 2019 California Energy Code Section 100.0(e)2A (Newly constructed buildings – All newly constructed buildings) is hereby amended to read as follows:

**100.0(e)2A. All newly constructed buildings.** Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable, and shall be an All-Electric Building as defined in Section 100.1(b).

**Exception 1:** F, H, L Occupancies may utilize natural gas and shall provide installed prewiring for future use of electric appliances.

**Exception 2:** Exception for public agency owned and operated emergency centers. To take advantage of this exception, applicant shall provide third party verification that All-Electric space heating requirement, or secondarily propane heating, is not cost effective and feasible.

**Exception 3:** Hotels with eighty or more guestrooms may utilize natural gas in on-site commercial laundry facilities only.

**Exception 4:** Non-residential kitchens may not utilize natural gas for cooking appliances unless the applicant establishes that there is not an all-electric option for the kitchen, or secondarily a propane option, using commercially available technology. If the Building Official grants an exception, EnergySTAR rated natural gas appliances shall be used.

**Exception 5:** If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method or if it is demonstrated that there is equivalent greenhouse gas reduction, then the Building Official may grant an exception.

**Exception Process:**

- a. Granting of Exception. If the Building Official or designee determines that it is infeasible for the applicant to fully meet the requirements of this Chapter and one of the exceptions listed above applies, the Building Official or designee, shall determine the maximum feasible threshold of compliance reasonably achievable for the project. The decision of the Building Official or designee

shall be provided to the applicant in writing. If an exception is granted, the applicant shall be required to comply with this Chapter in all other respects and shall be required to achieve, in accordance with this Chapter, the threshold of compliance determined to be achievable by the Building Official or designee.

- b. Denial of Exception. If the Building Official or designee determines that it is reasonably possible for the applicant to fully meet the requirements of this Chapter, the request shall be denied and the Building Official or designee shall so notify the applicant in writing. The project and compliance documentation shall be modified to comply with this Chapter prior to further review of any pending planning or building permit application.
- c. Appeals of Exception Denial. If denied the infeasibility exception, the applicant may appeal in writing to the Director of Community Development. The Director will consider the information provided and render a written decision regarding infeasibility based on the factors set forth in this Chapter. The decision of the Director shall be final.

**Note 1:** If natural gas appliances are used in any of the above exceptions 1-5, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;
2. Both ends of the conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;
3. A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled for each circuit, an example is as follows (i.e "For Future Electric Range;") and
4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

**Note 2:** If any of the exceptions 1-5 are granted, the Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per CBC 104.

#### **15.36.050 Space-conditioning equipment.**

2019 California Energy Code Section 110.2 (Mandatory Requirements for Space-Conditioning Equipment), first paragraph, is hereby amended to read as follows:

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

**15.36.060 Service water-heating systems and equipment.**

2019 California Energy Code Section 110.3 (Mandatory Requirements for Service Water-Heating Systems and Equipment), subsection (a), first paragraph, is hereby amended to read as follows:

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

**15.36.070 Pool and spa systems and equipment.**

2019 California Energy Code Section 110.4 (Mandatory Requirements for Pool and Spa Systems and Equipment), subsection (a), first paragraph, is hereby amended to read as follows:

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

**15.36.080. Natural gas pilot lights.**

2019 California Energy Code Section 110.5 (Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited), first paragraph, is amended as follows:

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

**15.36.090. Solar requirements.**

(a) **Title.** 2019 California Energy Code Section 110.10 (Mandatory Requirements for Solar-Ready Buildings), title, is hereby amended to read as follows:

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

(b) **Hotel/Motel Occupancies and High-rise Multifamily Buildings.** 2019 California Energy Code Section 110.10(a)3 (Covered Occupancies – Hotel/Motel

Occupancies and High-rise Multifamily Buildings) is hereby amended to read as follows:

**3. Hotel/Motel Occupancies and High-rise Multifamily Buildings.** Hotel/motel occupancies and high-rise multifamily buildings with ten habitable stories or fewer shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110.10-A.

(c) **Nonresidential Buildings.** 2019 California Energy Code Section 110.10(a)4 (Covered Occupancies – Nonresidential Buildings) is hereby amended to read as follows:

**4. Nonresidential Buildings.** Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110.10-A.

(d) **Solar panel requirements for all new nonresidential and high-rise residential buildings.** 2019 California Energy Code Section 110.10(a) (Covered Occupancies) is hereby amended by adding the following table to the end of subsection (a):

<b>Table 110.10-A: Solar panel requirements for all new nonresidential and high-rise residential buildings</b>	
<b>Square footage of building</b>	<b>Size of panel</b>
Less than 10,000 sq. ft.	Minimum of 3-kilowatt PV systems
Greater than or equal to 10,000 sq. ft.	Minimum of 5-kilowatt PV systems
<b>EXCEPTION:</b> As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet, additional to any other solar thermal equipment otherwise required for compliance with Part 6.	

(e) **Minimum solar area - exceptions.** 2019 California Energy Code Section 110.10(b)1B (Minimum Solar Zone Area – Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings), Exception 2, is hereby amended to read as follows:

**EXCEPTION 2 to Section 110.10(b)1B:** High-rise multifamily buildings, hotel/motel occupancies with a permanently installed domestic solar water-heating system complying with Section 150.1(c)8Biii and an additional collector area of 40 square feet.

- (f) **Minimum solar area – performance equivalency.** 2019 California Energy Code Section 110.10(b)1B (Minimum Solar Zone Area – Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings) is hereby amended by adding the following new Exception 6 after Exception 5:

**EXCEPTION 6 to Section 110.10(b)1B:** Performance equivalency approved by the building official.

- (g) **Minimum solar area – shading.** 2019 California Energy Code Section 110.10(b)3 (Minimum Solar Zone Area – Shading) is hereby amended by adding the following:

**110.10(b)3C.** The solar zone needs to account for shading from obstructions that may impact the area required in 110.10(b)1B. When determined by the Building Official that conditions exist where excessive shading occurs and solar zones cannot be met, a performance equivalency approved by the Building Official may be used as an alternative.