

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	243730-7
Document Title:	City of Santa Clara - 2019 Ordinance No 2034
Description:	Plain text of the City of Santa Clara Ordinance No. 2034
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Organization:	City of Santa Clara
Submitter Role:	Public Agency
Submission Date:	6/27/2022 3:54:52 PM
Docketed Date:	6/27/2022

ORDINANCE NO. 2034

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA TO AMEND CHAPTER 15.36 (ENERGY CODE) AND CHAPTER 15.38 (GREEN BUILDING STANDARDS CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” TO ADOPT PROVISIONS OF THE 2019 CALIFORNIA ENERGY CODE AND THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CERTAIN EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO INCREASE BUILDING EFFICIENCY AND INCREASE REQUIREMENTS RELATED TO ELECTRIC VEHICLE CHARGING STATIONS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Santa Clara’s Climate Action Plan, adopted in 2013 includes strategies to reduce greenhouse gas (GHG) emissions and is in the process of being updated to further strengthen emissions reductions;

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may adopt modifications to the provisions of the California Building Standards Code that are reasonably necessary to protect the health, welfare and safety of the residents of Santa Clara because of local climatic, geological or topographical conditions;

WHEREAS, on November 19, 2019, the City Council adopted Ordinance No. 2008 adopted the 2019 California Energy Code in Section 15.36.010 of the Santa Clara City Code and adopted the 2019 California Green Building Standards Code in Section 15.38.010 of the Santa Clara City Code;

WHEREAS, the City now intends to adopt modifications to the Energy Code and Green Building Standards Code to address local geological, topographical, and climatic conditions;

WHEREAS, the City Council hereby makes the following findings with respect to local geological, topographical and climatic conditions relating to the amendments to the California Energy Code and California Green Building Standards Code:

a) Santa Clara is located in the Santa Clara Valley, which is densely populated and located in an area of high seismic activities. Santa Clara is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zone. The City's location makes it particularly vulnerable to damage by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the City sits between two active earthquake faults (San Andreas and the Hayward/Calaveras) and numerous potentially active faults.

b) Concern for fire-life safety associated with gas appliances and associated piping located in the ground and in the buildings increases with the risk of explosion or fire if there is a structural failure due to a seismic event considering the increasing number of buildings in the region.

c) Severe seismic events could disrupt communications, damage gas mains, and place extreme demands on the limited and widely dispersed resources of the Public Safety Department necessary for the life safety needs of the community.

d) The local geographic, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential fires in the City, and may cause a delayed response from emergency responders, allowing further growth of the fire.

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e) Over the next century, increasing levels of atmospheric greenhouse gas concentrates are expected to result in global temperature increases, causing a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended period of drought. Sea level rise as a result of climate change will have a dramatic local impact on the City. The City's northern area borders the southern end of the San Francisco Bay and is particularly vulnerable to sea level rise and is at an increased risk of flooding. Increased heat as a result of climate change can have a local impact on the health, safety, and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, or those with children. Failure to address and substantially reduce Greenhouse Gas creates an increased risk to the health, safety and welfare of the City residents.

f) Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the City Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist.

g) The provisions of this Ordinance establishing certain more restrictive standards than the California Codes will better serve to prevent or minimize structural and environmental damage resulting from local conditions.

WHEREAS, the City Council hereby makes the following additional findings with respect to cost effectiveness of any amendments to the California Codes for which such findings are required:

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a) An August 1, 2019 Low Rise Residential Reach Code Cost Effectiveness Study prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, funded by California utility ratepayers and submitted to the California Energy Commission, supports and documents the cost-effectiveness of the Ordinance.

b) A July 25, 2019 Non-residential New Construction Reach Code Cost Effectiveness Study prepared by TRC Advanced Energy and Energy Soft, funded by California utility ratepayers and submitted to the California Energy Commission, further supports and documents the cost-effectiveness of the Ordinance.

c) This Ordinance is in alignment with the cost effectiveness studies referenced above and therefore the City Council finds them to be cost-effective.

d) None of the provisions of this Ordinance change minimum efficiency standards, and therefore, this Ordinance is not preempted by federal appliance regulations.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: Recitals. The recitals set forth above are hereby incorporated herein by this reference.

SECTION 2: Chapter 15.36 Amended. Chapter 15.36 (Energy Code) of Title 15 (Buildings and Construction) of the Santa Clara City Code is hereby repealed and re-adopted to read as stated in Exhibit "A", attached hereto and incorporated herein by this reference.

SECTION 3: Chapter 15.38 Amended. Chapter 15.38 (Green Building Code) of Title 15 (Buildings and Construction) of the Santa Clara City Code is hereby repealed and re-adopted to read as stated in Exhibit "B", attached hereto and incorporated herein by this reference.

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SECTION 4: Statutory References, Inclusions of Amendments and Additions.

Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Santa Clara City Code, or of any other ordinance of the City of Santa Clara, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 5: Interpretations. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 6: Findings. To the extent the changes and modifications set forth in this ordinance to the 2019 California Building Standards Code are deemed more restrictive than the standards contained in the 2019 California Building Standards Code, thus requiring findings describing local conditions that justify such modifications, the Council finds and determines that the changes are reasonably necessary because of local climatic, geologic, or topographic conditions, as set forth in the recitals to this ordinance.

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SECTION 7: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 8: Effective date. This ordinance shall take effect on January 1, 2022, and prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California." Notwithstanding the foregoing, the local modifications to the California Energy Code shall not be enforced until the California Energy Commission has made a finding that the standards will require buildings to be designed to consume less energy than permitted by the California Energy Code.

PASSED FOR THE PURPOSE OF PUBLICATION this 19th day of October, 2021, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 16TH day of NOVEMBER, 2021, by the following vote:

AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A: Chapter 15.36 – Energy Code
2. Exhibit B: Chapter 15.38 – Green Building Standards Code