

DOCKETED

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STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: October 26, 2022
ORIGINATING DEPT: Community Development
SUBJECT: Introduce (1st Reading) Ordinances 528 and 529 – Building Standards Code Amendments

BACKGROUND:

On December 8, 2021, the City Council (Council) adopted Ordinance 518 to amend the 2019 California Building Code and California Green Building Code to implement solar energy, building decarbonization and electric vehicle (EV) installation requirements with the goal of decreasing greenhouse gas (GHG) emissions in the City of Solana Beach (City).

State building codes are updated by the State every three years and the 2019 California Building Code and California Green Building Code have now been replaced by the 2022 Edition of the California Building Standards Code that was adopted by the California Building Standards Commission on July 1, 2022. The new codes will go into effect beginning January 1, 2023. Therefore, any previously adopted amendments to the 2019 Building Code must be readopted and align with the 2022 Building Code.

This item is before the Council to consider introducing Ordinance 528 (Attachment 1) and Ordinance 529 (Attachment 2) approving the proposed local amendments.

DISCUSSION:

California State Building Codes are typically updated every three years. State law requires that local jurisdictions enforce the building codes adopted by the State of California Building Standards Commission as the minimum standard for construction. Ordinance 518 was adopted in 2021 to amend sections of the 2019 Energy Code and the Green Building Code to promote energy efficiency and conservation in the City, increase use of sustainable energy sources, reduce GHG emissions, promote green development patterns, and maintain a long-term balance between environmental, social, and economic impacts that protect public health and welfare.

<p>CITY COUNCIL ACTION:</p> <hr/> <hr/>

Ordinance 518 made the following amendments:

2019 Energy Code Amendment (Reach Codes) Summary

- Required all newly constructed non-residential properties to install photovoltaic (PV) systems.
- Required all space conditioning, water heating and clothes dryer to be electric only in all new residential and commercial construction.

2019 Green Building Code Amendment (Reach Codes) Summary

- Required all new residential and non-residential construction to be pre-wired for battery storage that would accommodate backup loads for a minimum of 5 kWh.
- Required all new residential and non-residential construction to install sufficient electrical capacity for future electrification of all non-electric appliances.
- Required all new residential and non-residential construction to install EV infrastructure in accordance with the requirements outlined in Section 15.23.060 of the ordinance.

In addition, during adoption of Ordinance 518, Council also considered the application of these requirements to substantial building remodels. Because the City is a relatively built-out community, much of the construction activity in the City consists of remodels to existing homes and buildings rather than entirely new construction. At times, the extent of the remodeling is extensive enough that most of the structure is essentially “new” construction. Therefore, Ordinance 518 also established a definition for “New Construction” so that all of the energy and green building code amendment requirements would be applied in these situations.

Some of provisions in Ordinance 518 adopted by the Council have been absorbed into the Standard 2022 Building Standards Code and therefore no longer need to be outlined in the City’s local amendment for the 2022 cycle. The City reviewed Ordinance 518 to determine which portions of it would need to be deleted, altered or readopted to be consistent with the current State mandated building code editions. The list below summarizes the changes proposed by Ordinances 528 and 529 (Attachments 1 and 2).

2022 Energy Code Amendment (Reach Codes) Changes Summary

- Moved Required Electric End Uses section to CALGreen.
- Redefined Newly Constructed/New Construction in the Building Code and the Energy Code. This change applies to all of the Building Code.
- Modified solar PV requirements to meet new State code requirements for new construction and limited exceptions in the 2021 ordinance to apply only to remodels that qualify as new construction.
- Deleted PV exception for time dependent valuation (TDV) equivalence (cannot be administered).

- Broke out requirements for nonresidential and high-rise residential buildings to mirror reorganization of State Energy Code.

2022 Green Building Code Amendment (Reach Codes) Summary

- Definitions
 - Referred New Construction to the amended definition in the Building Code.
- Required Electric End Uses
 - Moved from Energy Code to Green Code.
- Electric Readiness
 - Referred cooktop readiness to new provision of 2022 Energy Code.
 - Removed prescriptive requirements for panels and raceways and replaced with certification from a licensed engineer.
- Energy Storage Prewiring
 - Deleted 5 kWh capacity requirement.
 - Referred to 2022 code mandatory requirements for newly constructed buildings. Low-rise residential referred to high-rise requirements.
- Electric Vehicle Chargers
 - Deleted local definitions (which were no longer consistent with State definitions).
 - Clarified requirements, particularly in light of new State requirements and definitions.
 - Increased nonresidential EV Ready requirements from 20% to 35% to match new State requirements.

With the adoption of proposed Ordinances 528 and 529, the building sections of Title 15 of the Solana Beach Municipal Code (SBMC) would be repealed and replaced with new sections and local amendments. Local amendments that are necessary to reflect local topographic, climatic or geological conditions have been prepared for City Council consideration. The City may only locally amend these State codes when a finding can be made that certain local physical conditions exist to support the necessity for a local amendment. The adoption of local amendments, and more stringent standards, are supported in the proposed findings. It should be noted that the above amendments do not substantively alter the provisions previously approved by Council in Ordinance 518.

After adoption, local amendments to the Energy Code will be submitted to the California Energy Commission for approval while local amendments to the Green Building Code will be filed with the California Building Standards Commission. Because of these two different state pathways, two separate ordinances, instead of one, are being proposed.

CEQA COMPLIANCE STATEMENT:

These Ordinances are exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines (14 CCR

15308) because they are activities undertaken to assure the maintenance, restoration, enhancement and protection of the environment.

FISCAL IMPACT:

There would be no impact to the General Fund from Ordinances 528 and 529, as proposed. No changes to existing City fees are proposed at this time.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.
- Provide other direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, report Council disclosures, receive public testimony, and close the public hearing.
2. Find the project categorically exempt from CEQA pursuant to Section 15308 CEQA Guidelines.
3. Introduce Ordinances 528 and 529 (1st Reading).

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Ordinance 528
2. Ordinance 529