

**DOCKETED**

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## **REPORT TO COUNCIL**

### **SUBJECT**

..Title

Action on the Introduction of a Draft Ordinance (All-Electric Building Electrification Reach Codes Including EV Charging)

..Report

### **COUNCIL PILLARS**

Deliver and Enhance High Quality Efficient Services and Infrastructure  
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), first adopted in 2013, includes strategies to reduce greenhouse gas (GHG) emissions. The Council recently adopted an updated CAP on June 7, 2022, to further strengthen emissions reductions.

Every three years, the State adopts new model codes, known collectively as the California Building Standards Code (CBSC), to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The most recent code cycle was adopted in 2022 with an effective date of January 1, 2023.

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.

The City adopted its first reach code in November 2021, following a long process. During the March 2, 2021 City Council meeting, the 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.

On November 16, 2021, the City Council voted unanimously to adopt Ordinance No. 2034 and created the 2022 Reach Code of Santa Clara, based on the 2019 California Codes. On August 15, 2022, the California Energy Commission approved the all-

electric provisions of the 2022 Reach Code of Santa Clara and 30 days later, on September 15, 2022, the Building Division of the Community Development Department began the full implementation of the Reach Code.

Although the City's reach code has only been in effect for a short time, it is necessary to bring forward a new version of the Code now, because of the triennial update of the CBSC. Although the 2022 Green Building Standards Code and Energy Code are not significantly different than the 2019 versions, there has been some reorganization of the codes that necessitates local amendments to update section numbering and cross-references. In addition, the requirements of the 2022 version of the CBSC move in the direction of zero-net-energy performance, but the City of Santa Clara still 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.

### **DISCUSSION**

The proposed Ordinance would update the 2022 Reach Code of Santa Clara (Reach Code) to adapt to the revisions to the Energy Code and Green Building Standards Code brought about by the 2022 California Code cycle. This update is limited to applicable code sections and titles. No changes were made to the substance of the previously adopted Reach Code.

As an example of the types of changes that the state enacted, the 2019 Green Building Standards Code previously contained one section on EV spaces at multifamily dwellings, (4.106.4.2) and another section on EV spaces at hotels and motels (4.106.4.3). In the 2022 Code, the state combined those requirements into one section (4.106.4.2). Because the City's local amendments revised sections 4.106.4.2 and 4.106.4.3 of the 2019 CBSC, the City must now amend its ordinance to respond to the new numbering scheme.

A detailed staff analysis showed that although the 2022 Energy Code and Green Building Standards Code improved and came closer to the 2022 Reach Code of Santa Clara, the Reach Code continues to exceed the requirements of the 2022 CBSC by providing greater numbers of Electrical Vehicle charging opportunities and of course, all-electric provisions.

As discussed above, after the City first adopted its Reach Code in November 2021, the City was required to submit the code to the California Energy Commission (CEC) before the code could take effect. That process took nine months, and so the Reach Code has only been in effect for a short time. In adopting a new ordinance for 2023, the City will be required to again submit the ordinance to the CEC prior to them becoming effective if either the CBSC revisions or the City's local amendments create "a substantial change in the factual circumstances affecting the determination." (Pub. Res. Code sec. 25402.1(h)(2).) Again, the CBSC changes are relatively minor, and the City's local changes do not make any substantive amendments from the Code that the CEC

approved earlier this year. So, if the Council adopts the ordinance as proposed, CEC submission should not be necessary.

If, however, the Council decides to give staff direction to make additional substantive changes to the reach code, CEC approval would be required before the Code could go into effect. Accordingly, staff recommends that the Council nevertheless introduce and adopt the proposed ordinance in the current form, so that it can become effective January 1, 2023. Staff can return a future date with any requested substantive edits, which could then be submitted to the CEC. If the Council makes substantive changes now, however, then there would be no reach code in effect as of January 1, and likely for many months afterwards, while the City awaited CEC approval.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15305 in that it is a minor alteration in land use limitations that will not result in any changes in land use or density, and section 15308 in that it is an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of 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**

A public notice of the public hearing to be held on November 1, 2022 is scheduled to be advertised in the Santa Clara Weekly publication on October 19, 2022 and October 26, 2022.

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**

..Recommendation

Staff recommend that City Council:

1. Introduce an Ordinance updating the 2022 Reach Code of Santa Clara to the 2022 California Code Cycle and
2. Set a public hearing on November 1st, 2022, pursuant to Government Code Section 50022.3, for adoption of the Ordinance.

..Staff

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Rajeev Batra, City Manager

**ATTACHMENTS**

1. 2023 Reach Code Ordinance