

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
SUSPENDING ENFORCEMENT OF THE “ALL-ELECTRIC”
REQUIREMENTS OF THE CITY’S REACH CODE AS CODIFIED IN
CHAPTER 15.36 (ENERGY CODE) OF TITLE 15 (BUILDINGS AND
CONSTRUCTION) OF “THE CODE OF THE CITY OF SANTA
CLARA, CALIFORNIA”**

WHEREAS, on November 16, 2021, the City of Santa Clara adopted Ordinance No. 2034, establishing the City’s “Reach Code,” which modified provisions of the California Energy Code and California Green Building Standards Code as they applied in the City;

WHEREAS, on November 1, 2022, the City adopted Ordinance No. 2056, amending the Reach Code to conform to the updated California Building Standards Code, which became effective on January 1, 2023;

WHEREAS, one of the policies of the City’s Reach Code is that most newly constructed buildings are required to be “All-Electric Buildings,” with no natural gas or propane plumbing installed within the building, and that use electricity as the primary source of energy;

WHEREAS, the Reach Code advances the goals and policies of the City’s Climate Action Plan to reduce greenhouse gas emissions by phasing out natural gas infrastructure and transitioning to electric power;

WHEREAS, on January 2, 2024, the Ninth Circuit Court of Appeals finalized its decision in the case of *California Restaurant Association v. City of Berkeley*, 89 F.4th 1094 (2024), holding that the City of Berkeley’s Reach Code, which similarly required All-Electric Buildings for new construction, was preempted by the Federal Energy Policy and Conservation Act; and

WHEREAS, in light of that ruling, the City finds that suspending enforcement of the All-Electric requirements of the Reach Code is appropriate at this time, pending revisions to the Reach Code that will utilize alternate methods of advancing the policies of the Climate Action Plan.

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

1. The Council hereby suspends enforcement of Sections 15.36.040 (“Scope”) through

15.36.080 ("Natural gas pilot lights") of Chapter 15.36 ("Energy Code") of Title 15 ("Buildings and Construction") of "The Code of the City of Santa Clara, California" until further notice.

2. This suspension shall apply to all applications for building permits or other development project entitlements including, without limitation, currently-pending applications, new applications filed after adoption of this Resolution, requests for modification of pending applications, and applications for modification of previously-issued permits or entitlements.

3. This suspension does not establish any new exception or exemption to the requirements of the California Environmental Quality Act ("CEQA"), and any development that previously underwent CEQA clearance based on the All-Electric requirements of the Reach Code must undergo additional CEQA Clearance prior to deviating from those requirements.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2025, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

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