



## Agenda Report

21-1568

Agenda Date: 11/16/2021

### REPORT TO COUNCIL

#### **SUBJECT**

Public Hearing: Waive Second Reading and take Action on the Adoption of an All-Electric Reach Code Ordinance No. 2034, including Electric Vehicle (EV) Charging, that Amends Chapter 15.36 (Energy Code) and Chapter 15.38 (Green Building Code) of Title 15 (Buildings and Construction) of the Santa Clara City Code

#### **COUNCIL PILLAR**

Promote Sustainability and Environmental Protection

#### **BACKGROUND**

At the October 19, 2021 Council meeting, proposed Ordinance No. 2034 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812 and Government Code Section 50022.3, a summary of proposed Ordinance No. 2034 was published on November 3 and November 10, 2021, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

#### **DISCUSSION**

Proposed ordinance No. 2034 would adopt amendments to Chapters 15.36 (Energy Code) and 15.38 (Green Building Standards Code) of the City Code. The City previously adopted the 2019 California Energy Code and 2019 California Green Building Standards Code, but Ordinance No. 2034 would re-adopt those codes with local modifications that would mandate the use of electricity as a power source and limit natural gas plumbing and meters. The ordinance would also increase requirements on new construction to install electric vehicle infrastructure.

Although the Ordinance disallows the use of natural gas in most circumstances, the Ordinance contains exceptions for commercial kitchens and public agency owned emergency centers, if an applicant can establish that an all-electric facility is not feasible. At the October 19, 2021 meeting, prior to voting to introduce the Ordinance, the City Council made a minor modification to the language to state that if all-electric is not feasible, the applicant must also show that, secondarily, the use of propane is also not a feasible option either, before the use of natural gas would be permitted.

City staff also discovered a clerical error in the ordinance as introduced. Section 15.38.040(f) of the proposed ordinance makes a modification to Section 4.106.4.2.3 of the 2019 California Green Building Code. The correct title of Section 4.106.4.2.3 is "Single EV Space Required." As originally drafted, the document contained the erroneous title "Electric Vehicle Charging Space (EV Space Dimensions)," which is actually the title of a different section of the Green Building Code. This erroneous cross-reference has been corrected in the version of the ordinance proposed for adoption.

**ENVIRONMENTAL REVIEW**

The local amendments are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question would have a significant effect on the environment.

**FISCAL IMPACT**

The proposed adoption of the reach code may have some impact to future construction costs for City projects. This cost is warranted in that the adoption of the reach code will enable the City to implement its CAP and other policy goals, which in turn could result in fiscal benefits.

**COORDINATION**

This report has been coordinated with the City Manager's Office, Silicon Valley Power, the Community Development Department, and the City Attorney's Office.

**PUBLIC CONTACT**

A summary of proposed Ordinance No. 2034 was published to the Santa Clara Weekly on November 3, 2021 and November 10, 2021, and copies of the proposed ordinance and the full text of the California Energy Code and the California Green Building Code were posted in three public places and made available for public inspection at the City Clerk's Office.

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**

1. Waive Second Reading and Adopt Ordinance No. 2034 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.

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS:**

1. Ordinance No. 2034 (Intro)