



# STAFF REPORT

AGENDA NO: 9a

MEETING DATE: November 7, 2022

**To: Honorable Mayor and City Council**

**Date: November 7, 2022**

**From: Sigalle Michael, Sustainability Coordinator – (650) 558-7274**

**Subject: Introduction of an Ordinance Amending Chapter 18.30 of the Burlingame Municipal Code to Adopt Local Amendments to the 2022 California Green Building Standards Code (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Sections 15378, 15061(b)(3))**

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## **RECOMMENDATION**

Staff recommends that the City Council introduce the proposed Ordinance amending Chapter 18.30 of the Burlingame Municipal Code to adopt local amendments to the 2022 California Green Building Standards Code.

### **Recommended Procedure and Order of Operations:**

- A. Receive the staff report and ask any questions of staff
- B. Request that the City Clerk read the title of the proposed Ordinance.
- C. By motion, waive further reading and introduce the Ordinance.
- D. Conduct a public hearing.
- E. Following the public hearing, discuss the Ordinance and determine whether to bring it back for second reading and adoption. If the Council is in favor of the Ordinance, direct the City Clerk to publish a summary of the Ordinance at least five days before its proposed adoption.

## **BACKGROUND**

The California Building Standards Commission was established in 1953, and its members are appointed by the Governor. Since 1978, all proposed regulations promulgated by the various state agencies must be reviewed and approved by the Building Standards Commission.

On December 14, 2021, the Building Standards Commission voted to adopt the most up-to-date edition of the model codes as amended by those various state agencies. On July 1, 2022, the California Building Codes were published. All local jurisdictions are required by State law to adopt and to enforce the most recent codes reviewed and approved by the California Building Standards Commission. The new codes will become effective on January 1, 2023.

The City of Burlingame is currently set to formally adopt the California Building Standards Code at its regular meeting on November 7, 2022. The California Green Building Standards Code, or “CALGreen,” is a subcategory of the California Building Codes. It can be found within the California Building Codes at Part 11, Title 24. The City’s anticipated adoption of the Building Standards Code would thereby include the adoption of Title 24 (CALGreen).

The anticipated adoption of Title 24 at the November 7th meeting would only include the code as approved by the California Building Standards Commission; it would *not* include any local amendments. However, staff recommends making additional, local amendments to the CALGreen codes, which would impose City requirements that go beyond the State’s requirements for energy efficiency. Such amendments are commonly referred to as “Reach Codes.”

Reach codes are local building code amendments that go beyond the State’s requirements for energy efficiency and green building standards. Local governments adopt reach codes to improve performance, reduce greenhouse gas (GHG) emissions, and meet climate action goals. The City of Burlingame adopted reach codes in 2020 that required new developments to use electric appliances for heating, cooling, and cooking (with some exceptions); and install electric vehicle (EV) infrastructure and solar power.

The State’s new building code encourages new developments to opt for all-electric designs and high efficiency heat pumps for space and water heating. However, the State building code does not yet supersede the City’s reach code, other than for solar power. The upcoming 2022 State energy code will require solar for all new construction, battery storage for nonresidential, and battery-readiness for residential. Solar and battery storage no longer need to be addressed in reach codes. Burlingame’s current reach codes were adopted as part of the 2019 building code cycle, and will expire at the end of 2022. If the City Council wishes to continue applying reach codes beyond 2022, the City must adopt new codes by the end of the year.

## **DISCUSSION**

### **Local Amendments**

The State allows local jurisdictions to make local amendments to the Building Codes to protect the health, welfare, and safety of the citizens of Burlingame because of local climatic, geological, and topographical conditions. The intent of the reach codes is to reduce greenhouse gas emissions and the impacts of global climate change. The City’s local climatic, geological, and topographical conditions make the area vulnerable to wildfires, sea level rise,

flooding, extreme heat days, and other potential climate change impacts. Evidence to support the findings necessary for local building code amendments includes the following:

1. Burlingame is located between the Santa Cruz Mountains foothills and San Francisco Bay, with a number of substantial creeks flowing through highly developed residential and industrial areas. It is surrounded by large areas of open space maintained in natural condition, as well as having a significant natural canyon in the center of the residential area. Strong winds come down the foothills during both the driest and the wettest parts of the year. The city is directly east of the San Andreas Fault, and much of the highly developed part of the city is located along the front of the Bay, much of it on fill. The United States Geologic Survey, the California Division of Mines and Geology, and the Association of Bay Area Governments have extensively mapped the area for such earthquake probabilities. The foothill areas have a variety of soil formations with steep canyons and heavy precipitation. Much of the city has a high water table. The proposed amendments to the Building Code address the local geological conditions in Burlingame.
2. Fires in the community could quickly spread because of the extensive, natural vegetation throughout the city. The city has a number of highly developed commercial areas with older buildings, and an industrial area that is filled with mixed uses utilizing various materials that could be highly hazardous. Heavily traveled approach and departure routes for San Francisco International Airport are immediately adjacent to or over the city. The city is also located in a national climate zone that is designated “Very High” on the Termite Infestation Probability Map. The proposed amendments to the Building Code address the local topographical conditions in Burlingame.
3. The City has worked with other jurisdictions on the San Francisco Peninsula to establish consistent standards to minimize the impact that varying standards might have on development and redevelopment of both residential and commercial buildings. It is only through strong building standards and effective fire prevention and containment programs that citizens will receive the protection they deserve, and that citizens will be able to obtain reasonably priced insurance for their homes and businesses.
4. The City operates its own sanitary sewer system and water quality control plant and is subject to State and Federal laws regarding both point and non-point discharges. The proposed amendments to the Building Code are intended to assist the City in meeting its responsibilities regarding those laws as well as protecting the public safety and welfare.
5. The City also operates its own water supply system for its citizens. The proposed amendments to the Building Code are intended to provide consistent policy regarding water service installations and to protect the public’s water supply.

**Proposed Reach Code**

In the previous reach code cycle, Peninsula Clean Energy (PCE) supported jurisdictions, including Burlingame, in adopting reach codes to advance renewable energy, building electrification, and EV readiness. PCE is continuing to support jurisdictions through this new code cycle and has formed a Bay Area Reach Codes group in partnership with East Bay Clean Energy and Silicon Valley Clean Energy. The Bay Area Reach Codes team is focusing on advancing building electrification and EV readiness in new construction and existing buildings and has prepared model reach code ordinances for local cities to consider.

On September 19, 2022 the City Council held a study session to discuss reach codes for building electrification and electric vehicle infrastructure. During the meeting, the City Council expressed support for the model reach code developed by the Bay Area Reach Codes group. The model reach code proposes for all new construction to be all electric and install electric vehicle charging infrastructure. Compared to the City’s current reach codes, the model reach code proposes a single substantive change: removing the allowance of methane gas for indoor and outdoor cooking and fireplaces in single family homes. The table below highlights the requirements in the model reach code.

	Single Family Homes	Multifamily Buildings	Commercial Buildings
<b>Model Reach Code for Building Electrification</b>	All-electric construction	All-electric construction	All-electric construction  For-profit restaurants may use methane gas for cooking and must prewire for future electric appliances.
<b>Model Reach Code for EV Infrastructure</b>	One parking space L2 ready  One parking space L1 ready	40% of units with L2 charging stations  60% of units L1 ready	<u>Offices:</u> 20% of parking spaces with L2 charging stations 30% L2 capable  <u>Hotels/Motels:</u> 5% of parking spaces with L2 charging stations 25% L2 ready 10% L2 capable

			<u>Other:</u> 10% of parking spaces with L2 charging stations 10% L2 capable
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Definitions:

- L2 ready: Level 2 outlet (240 volt, dryer plug) to plug into.
- L1 ready: Regular 120 volt outlet to plug into.
- L2 charging station: Level 2 station installed.
- L2 capable: Power is available for future use.

The proposed reach code would make local amendments to the California Green Building Standards Code. The California Energy Commission (CEC) advised local jurisdictions that such local amendments fall outside of the scope of the CEC and do not require CEC approval.

**Environmental Review**

The proposed Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

**FISCAL IMPACT**

None.

Exhibit:

- Proposed Ordinance