



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2019

ITEM NO: 18

DATE: November 27, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: 2019 California Building, Fire, and Reach Codes

1. Introduce an ordinance repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the new 2019 California Building and Fire Codes, as amended, including reach codes. (Town Code Amendment Application A-19-009. Project Location: **Town Wide.**)
2. Adopt a resolution making findings for modifying the 2019 California Building and Fire Codes.

RECOMMENDATIONS:

1. Introduce an Ordinance (Attachment 1), by title only, effecting amendments repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the new 2019 California Building and Fire Codes, as amended, including reach codes.
2. Adopt a resolution making findings for modifying the 2019 California Building and Fire Codes (Attachment 2).

BACKGROUND:

The new 2019 California Building Standards Code, California Code of Regulations (CCR) Title 24, will go into effect on January 1, 2020. The Town of Los Gatos must adopt these new State Codes by deleting and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town Code. The new 2019 California Building Code (CBC) and 2019 California Fire Code (CFC) are somewhat different from the current 2016 CBC and CFC so deleting and replacing the Town Code Chapters in their entirety and incorporating our current recommended local amendments is the cleanest process for adoption.

PREPARED BY: Robert Gray
Building Official

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

BACKGROUND (continued):

On November 5, 2019 the Town Council considered a draft ordinance regarding Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection. Following Town Council discussion, the Town Council continued the matter to the December 3, 2019 meeting with the following direction:

- Include reach code language that is similar to the language approved by the City of San Jose that bans gas in new single-family buildings, accessory dwelling units (ADU), and new residential low-rise building, except for gas cooking; and
- Include language regarding 100-foot defensible space across property lines.

The draft Ordinance adopting the revisions to Chapter 6 and Chapter 9 includes amendments regarding reach codes (Attachment 1). California Health and Safety Code Sections 17958 and 17958.5 allow the Town to make modifications or changes to the State Building Standards Codes based on findings that the changes are reasonably necessary because of local climatic, geological, geographical, or topographical conditions. The Resolution included as Attachment 2 contains the required findings.

DISCUSSION:

A. Reach Codes:

City of San Jose Reach Codes

The City of San Jose reach codes require among other things, all electric construction for new single-family residential buildings, detached ADUs, and low-rise multi-family buildings. San Jose's mixed fuel requirements include a reduced Energy Design Rating (EDR) and electrification-ready circuit for all new single-family residential buildings, detached ADUs, and low-rise multi-family buildings. New high-rise multi-family buildings, hotel/motel, and all other non-residential buildings require electrification-ready and a specific percentage increase in energy efficiency based on the type of use.

San Jose's electric vehicle (EV) requirements include installation of an EV charging circuit and receptacle in all new single-family residential buildings, detached ADUs, low-rise and high-rise multi-family buildings, hotel/motel, and all other non-residential buildings.

The City of San Jose's Summary of Reach Code is included as Attachment 3.

DISCUSSION (continued):

California Energy Code

Local governments are authorized to adopt local modifications to the state energy standards contained in Part 6 of Title 24, also known as the California Energy Code. Such local changes are referred to as “energy reach codes.” To adopt an energy reach code, a

local government must find that its proposed changes are cost-effective, and the California Energy Commission (CEC) must find that the changes would result in buildings designed to use no more energy than permitted by the California Energy Code. An energy reach code may be enforced by the local government only after the CEC has approved it.

In association with the California Energy Code and Standards Program, Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, have produced the “2019 Cost-effectiveness Study: Low-Rise Residential New Construction” (Attachment 4). This study measures efficiency using a benefit to cost ratio, where a value of 1 represents that benefit is equal to cost. A number greater than 1 shows that benefits outweigh costs. Table 53 on page 86 illustrates that the benefit to cost ratio of an all-electric single-family building, at worst case, is a factor of 1.52 using the federally supplied efficiency specifications for appliances. Table 54 on page 87 illustrates that the benefit to cost ratio of an all-electric multi-family building is at worst case 1.09 per dwelling unit, using the same federally supplied efficiency specifications for appliances.

The Town’s proposed reach codes include all electric construction for new single-family residential buildings, ADUs, and low-rise multi-family buildings. An exception is included for gas cooking appliances; however, the gas cooking appliance location must also be provided with a complete electrical circuit for future conversion to an electrical appliance.

The Town’s proposed reach codes for the California Energy Code are included in Attachment 1 on page 9 and 11.

California Green Buildings Standards Code

It is widely known that the availability of electric vehicle (EV) charging infrastructure is a critical component to EV adoption. Meanwhile, it is significantly more expensive to install charging infrastructure as a retrofit than it is during new construction. Therefore, ensuring that newly constructed residential parking has ample EV charging capability reduces long-term costs of EV infrastructure installation, helps to increase EV adoption, and decreases transportation-related greenhouse gas emissions. Unlike amendments to the California Energy Code, a cost-effectiveness study is not required for amendments to the California Green Buildings Standards Code.

DISCUSSION (continued):

The 2019 California Green Buildings Standards Code requires EV infrastructure to be provided for all new single-family buildings, two-family buildings, and townhomes with private garages. The Town's proposed reach code adds a requirement for the installation of one complete EV charging circuit and receptacle for all new single-family and two-family residential buildings, ADUs, and low-rise multi-family buildings with private garages.

The Town's proposed EV reach codes are included in Attachment 1 on pages 9 and 11.

B. Defensible Space:

The Council's motion from November 5, 2019 requested that language regarding 100-foot defensible space across property lines be included in the draft Ordinance. Staff has not included this amendment at this time. Per the staff report to the Town Council dated October 15, 2019 regarding enhanced wildfire mitigation language to Chapter 11 (Garbage, Refuse and Weeds) of the Town Code, enhanced language for defensible space is part of a broader effort to augment and align Town Codes related to wildfire mitigation. Staff anticipates bringing this matter, and additional recommendations for Code modifications, back to the Town Council at its December 17, 2019 meeting to discuss potential best management practice options for fuel load reduction in the Wildland Urban Interface area. California State law does not preclude jurisdictions from imposing additional stricter regulations locally within Very High Fire Hazard Severity Zones (VHFHSZ) at a later date.

C. Public Outreach:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's Nextdoor page.

In addition, interested architects and the following organizations have been contacted regarding the amendments:

- American Institute of Architects (AIA) Silicon Valley;
- Santa Clara County Association of Realtors (SCCAR);
- Silicon Valley Association of Realtors (SILVAR);

PAGE 5 OF 5

SUBJECT: Town Code Amendments

DATE: November 27, 2019

DISCUSSION (continued):

- Building Industry Association (BIA); and
- National Association of Home Builders (NAHB).

CONCLUSION:

Staff recommends that the Town Council:

1. Introduce the Ordinance repealing and replacing Chapter 6 and Chapter 9 of the Town Code (Attachment 1); and
2. Adopt a resolution making findings for modifying the 2019 California Building and Fire Codes (Attachment 2).

FISCAL IMPACT:

None.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Ordinance adopting new Building and Fire Codes
2. Resolution making Findings for modifying California Codes
3. City of San Jose Summary of Reach Codes
4. 2019 Cost-effectiveness Study: Low-Rise Residential New Construction
5. Public comments received by 11:00 a.m. Wednesday, November 27, 2019