



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing; Adopt Ordinance No. 65.148 Adopting by Reference the 2019 California Energy Code with Amendments; and Adopt Ordinance No. 65.149 Adopting by Reference the 2019 California Green Building Standards Code with Amendments
Category:	Public Hearings-Community Development
Meeting Date:	12/3/2019
Staff Contact:	Sharon Goei, Director of Building Safety and Housing, 408-586-3260 Bill Tott, Building Official, 408-586-3263
Recommendation:	<ol style="list-style-type: none"> 1. Open the public hearing; hear testimony, then move to close the public hearing. 2. Waive the second reading and adopt Ordinance No. 65.148 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Energy Code with amendments. 3. Waive the second reading and adopt Ordinance No. 65.149 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Green Building Standards Code with amendments.

Background:

On November 5, 2019, the Council introduced Ordinances No. 65.148 and No. 65.149 and set a public hearing on December 3, 2019 for adoption of the ordinances pursuant to Government Code Section 50022.3. Notice of the public hearing was published on November 15 and 22, 2019 pursuant to Government Code Section 6066. There were no changes to the Ordinances from the first reading; the Ordinances have been updated and are now ready for their second reading and adoption.

The City of Milpitas is participating in the Silicon Valley Clean Energy reach code grant offering, which will provide \$10,000 to the City for presenting reach codes to the City Council for consideration. After Council introduced the ordinances on November 5, 2019, staff submitted the request for the \$10,000 grant. Please see Attachment H for the SVCE Letter of Interest and the City's request.

Analysis:

The Council introduced the reach code ordinances as proposed at the November 5, 2019 Council meeting. The agenda report and attachments from that meeting are included for reference.

As noted in the November 5 agenda report, staff conducted a series of outreach and engagement meetings on the proposed reach codes with stakeholders, including developers, design professionals, the Building Industry Association, and community members. Since November 5, staff provided an update at the Community Development Roundtable on November 14 on the proposed reach codes and the outcome of the November 5 Council discussion. Support was expressed for the current staff proposal as introduced by Council on November 5, which the participants felt was a reasonable approach to increase energy efficiency, electrification-readiness, and electric vehicle charging infrastructure.

Since November 5, 2019, the International Brotherhood of Electrical Workers Local Union No. 332 forwarded an e-mail letter (Attachment J) to the City stating its support to adopt reach codes and its commitment to provide training which will yield the workforce needed to deliver services and install innovative technologies.

As noted in the November 5, 2019 agenda report, the California Energy Code amendments become effective and enforceable by the City on the date of approval by the California Energy Commission (CEC). If adopted by

the City Council on December 3, 2019, staff projects that the Milpitas amendments to the Energy Code will become effective and enforceable in February or March 2020 given the 60-day public comment period required by the CEC review/approval process.

The California Green Building Standards Code (CALGreen) amendments pertaining to electric vehicle charging do not require submittal and approval by the CEC. If adopted by the City Council on December 3, 2019, these amendments will become effective on January 1, 2020 along with the 2019 CALGreen.

Fiscal Impact:

There is no cost to the City other than administrative staff time and expense. The City of Milpitas is participating in the Silicon Valley Clean Energy reach code grant offering, which will provide \$10,000 to the City for presenting reach codes to the City Council for consideration.

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Waive the second reading and adopt Ordinance No. 65.148 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Energy Code with amendments.
3. Waive the second reading and adopt Ordinance No. 65.149 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Green Building Standards Code with amendments.

Attachments:

- A. Ordinance No. 65.148 – adopting by reference the 2019 California Energy Code with amendments
- B. Ordinance No. 65.149 – adopting by reference the 2019 California Green Building Standards Code with amendments
- C. Summary of proposed Energy reach codes (proposed amendments to the 2019 California Energy Code)
- D. Summary of proposed Green Building reach codes (proposed amendments to the 2019 California Green Building Standards Code)
- E. SummerHill comments, EV infrastructure proposal, Lyon Living comments, and The CORE Companies comments
- F. PG&E letter
- G. WPGA letter
- H. SVCE Letter of Interest (LOI) and City's Request for \$10,000 Reach Code Grant
- I. Reach Code Efforts in Other Cities
- J. IBEW letter
- K. November 5, 2019 City Council Meeting Agenda Report