

ORDINANCE NO. 1448

AN ORDINANCE OF THE CITY OF DALY CITY  
AMENDING CHAPTER 15.60 ENERGY CODE OF TITLE 15 OF THE DALY CITY  
MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA  
ENERGY CODE

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WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climate, geological, or topographical conditions; and

WHEREAS, the City of Daly City has adopted the 2019 California Building Standards Code with amendments; and

WHEREAS, the City has adopted the 2019 California Energy Code in the 2019 California Building Standards Code, Part 6 of Title 24 of the California Code of Regulations, which implements minimum energy efficiency standards in building through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, Public Resources Code Section 25402(h)(2) and Section 10-16 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part 1, establish a process which allows local adoption of energy standards that are more stringent than the statewide standards, provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the 2019 California Energy Code; and

WHEREAS, the City Council wishes to amend portions of the California Energy Code and affirms that such local modifications are cost effective and will result in designs that consume no more energy than that is permitted under the 2019 California Energy Code; and

WHEREAS, the City's Climate Action Plan sets forth the goal to support initiatives that promote environmental sustainability and reduce the City's greenhouse gas emissions; and

WHEREAS, The Chief Building Official will reevaluate in one year's time the Affordable Housing Exception. Evaluation of exception will be based on construction and operating costs. Findings will be reported to the city council for approval. Exception 5 states: All-Electric building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for persons earning 80% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.

NOW, THEREFORE, the City Council of the City of Daly City DOES ORDAIN as follows:

**SECTION 1:** Chapter 15.60 of Title 15 of the Daly City Municipal Code is hereby amended to read as follows:

**Section 15.60.010 - California Energy Code adopted.**

There is adopted by the city for the purpose of prescribing regulations for the protection of the public health and safety of its inhabitants, that certain code known as the California Energy Code, 2016 Edition, including the appendices thereto, as published by the International Code Council, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, as hereinafter set forth, of which code one copy is on file in the office of the clerk, and the same is adopted and incorporated as fully as if set out at length in this chapter. From the date on which the ordinance is codified, this chapter shall take effect; the provisions thereof shall be controlling within the limits of the city. The requirements of the appendices to the California Energy Code shall be enforceable to the same extent as if contained in the body of the California Energy Code.

**Section 15.160.020 – Scope.**

Section 100.0(e) – Scope

Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.

Exception to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.

A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements.

Exception 1: All-Electric Building requirements shall not apply to projects with planning entitlements approved by the City prior to the effective date of this ordinance.

Exception 2: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Building Official may grant a modification.

Exception 3: Non-residential buildings containing a commercial kitchen may contain non-electric cooking appliances.

Exception 4: Non-Residential Buildings that will be constructed to Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards, may contain non-electric space-conditioning, water-heating systems, and process load systems.

Exception 5: All-Electric building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for persons earning 80% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.

Exception 6: Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) shall be exempt from the all-electric building provisions of this section.

Exception 7: Non-residential buildings containing F, H, and L occupancies, as defined in the California Building Code.

Exception 8: Buildings containing a Scientific Laboratory Area may contain non-electric space conditioning and water-heating systems.

#### **Section 15.60.020 – Amendment for All Electric Buildings.**

Section 100.1(b) is modified by adding the following definitions:

ALL ELECTRIC BUILDING: is a building that has no natural gas or propane plumbing installed within the building property lines, and instead uses only electricity, as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating, or fossil fuels for backup power generation.

#### **Section 15.60.030 – Modifications to Section 140.0(b)**

SECTION 140.0(b) is modified as follows:

#### **SECTION 140.0 – PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES**

(b) The requirements of Sections 120.0 through 130.5 (mandatory measures for nonresidential, high-rise residential and hotel/motel buildings),—and for all newly constructed buildings:

1. A solar photovoltaic system equivalent in size to 15 percent of the roof area, excluding any skylight area, shall be installed on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project.

Exception 1 to 140.0(b)1: The Community Development Director or his/her designee may grant a modification if the applicant demonstrates that the required percentage of

PV installation will over-generate the annual kWh required to operate the proposed building.

Exception 2 to 140.0(b)1: The PV system size may be reduced in size to the maximum that can be accommodated by the effective annual solar access due to shading from existing permanent natural or manmade barriers external to the building, including but not limited to trees, hills, and adjacent structures. The effective annual solar access shall be 70 percent or greater of the output of an unshaded PV array on an annual basis. No PV system is required if the effective annual solar access is restricted to less than 200 contiguous square feet. If the applicant demonstrates that conditions exist where excessive shading occurs, a performance equivalency approved by the Building Official may be used as an alternative.

Exception 3 to 140.0(b)1: Vegetative roofs covering 35 percent of the roof area or greater, meeting all relevant code requirements including considerations for wind, fire, and structural loads.

SECTION 2: Findings. The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions. The findings also support that requirements of the California Energy Commission (CEC) that amendments and modifications are cost-effective over the lifetime of the building systems.

The City of Daly City is located in Climate Zone 4 as established in the California Energy Code. Climate Zone 4. The climate conditions in the City of Daly City, along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperatures. High global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires and floods.

The above local amendments to the 2019 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing amendments would ensure that new building use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health and welfare of the City of Daly City and its residents.

Peninsula Clean Energy and Silicon Valley Clean Energy have also provided consultant support to assist cities in understanding the cost-effectiveness study results and adopting reach codes. The proposed Ordinance meets the requirements of the CEC for cost-effectiveness and are cost-effective over the lifetime of the building systems. The analysis show that all-electric buildings are typically less expensive to construct.

**SECTION 3: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4: Environmental Determination.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

**SECTION 5: Publication/Summary; Effective Date.** Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption. The City Council's findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24, Chapter 10-106 before this ordinance has the full force of enforcement of the law.

Introduced this 27<sup>th</sup> day of April, 2021.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the \_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES, Councilmembers: \_\_\_\_\_

NOES, Councilmembers: \_\_\_\_\_

Absent, Councilmembers: \_\_\_\_\_

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CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

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MAYOR OF THE CITY OF DALY CITY