



CITY of BRISBANE

Planning Commission Meeting Agenda

Thursday, November 10, 2022 at 7:30 PM • Virtual Meeting

This virtual meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.

The Commission may take action on any item listed in the agenda.

The Planning Commission Meeting will be an exclusively virtual meeting. Members of the public may view the meeting by logging into the Zoom webinar listed below or on Comcast Channel 27 and the City's YouTube channel at www.youtube.com/Brisbaneca. The agenda materials may be viewed online at www.brisbaneca.org/meetings.

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Meeting ID: 970 0458 3387

Passcode: 215153

TO ADDRESS THE COMMISSION:

Members of the public are encouraged to submit written comments before the meeting to the project planner. See posted public notices at www.brisbaneca.org/cd/page/public-notice for planner contact information. For items that are not public hearings, refer to the staff report for planner contact information. Members of the public who join the live Zoom webinar may address the Commission in the meeting when called upon by the Chairperson. Please use the "Chat" box in Zoom to alert staff that you want to address the Commission.

Members of the public watching the meeting on YouTube or Channel 27 may email or text comments **prior to the start of the particular agenda item** to the below email and text line:

Email: jswiecki@brisbaneca.org

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SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Commissioners: Funke, Gooding, Lau, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

- A. [Approval of draft meeting minutes of July 28, 2022](#)
- B. [Approval of draft meeting minutes of August 11, 2022](#)
- C. [Approval of draft meeting minutes of August 25, 2022](#)

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

None

NEW BUSINESS

None

WORKSHOP

- D. [Overview and Discussion of New State Housing Laws](#)

ITEMS INITIATED BY STAFF

- E. [Staff update on 2022 California Building Code update and local "reach codes"](#)

ITEMS INITIATED BY THE COMMISSION

ADJOURNMENT

F. Cancellation of the regular meeting of November 24, 2022 and adjournment to the regular meeting of December 8, 2022

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

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WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any written communication that is received after the agenda has been posted but before 4 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and online at www.brisbaneca.org/meetings. Any writings that are received after the agenda has been posted but after 4 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Planning Commission.

NOTICE OF DISCLOSURE

Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.

File Attachments for Item:

A. Approval of draft meeting minutes of July 28, 2022

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of July 28, 2022
Virtual Regular Meeting

CALL TO ORDER

Chairperson Patel called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Funke, Gooding, Patel, and Sayasane

Absent: Commissioner Lau

Staff Present: Director Swiecki, Senior Planner Johnson, Senior Planner Ayres, and Associate Planner Robbins

ADOPTION OF AGENDA

A motion by Commissioner Funke, seconded by Commissioner Gooding to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

A motion by Commissioner Gooding, seconded by Commissioner Funke to adopt the consent calendar (agenda item B). Motion approved 4-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Patel acknowledged [staff's memo](#) (agenda item A) pertaining to adoption of the City's updated Grading Ordinance 579.

WORKSHOP

- C. **2023-2031 Housing Element Update:** Preview of goals, policies, and programs of the draft 2023-2031 Housing Element

Senior Planner Ayres introduced facilitators Debbie Schechter and Seini Mateialona who led a discussion on a selection of new or modified housing policies and programs that addressed reducing minimum lot sizes, encouraging development of accessory dwelling units, transferring development rights, increasing participation in Housing Choice Vouchers, rent control, low-income household assistance, and reducing parking requirements (see attached workshop summary).

ITEMS INITIATED BY STAFF

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Director Swiecki informed the Commission that a [Scoping Meeting](#) for the Guadalupe Quarry General Plan and Zoning Amendment Project was held on June 30, 2022 and the City Council continued the appeal of the Google Bus interim use permit revocation to their next meeting in September 2022.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

Chairperson Patel declared the meeting adjourned to the next regular meeting of August 11, 2022 at approximately 9:05 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

Brisbane Planning Commission Workshop on 2023-2031 Housing Element Preliminary Draft Policies and Programs July 28, 2022 Workshop Summary

Background

On July 28, 2022, the City of Brisbane Planning Commission hosted a virtual workshop on its 2023-2031 Housing Element Preliminary Draft Policies and Programs. The purpose of the workshop was to introduce and gather initial feedback on draft housing policies and programs for inclusion in the City's Housing Element. In addition to Planning Commissioners, three members of the public attended the workshop.

Senior Planner Kenneth Johnson provided background on the Housing Element, which is a state-mandated chapter of the City's general plan that serves as a blueprint for meeting Brisbane's housing goals for the future. It is required to be updated every eight years. The Housing Element evaluates existing and project community housing needs using demographic data and development projects, including the Regional Housing Needs Assessment, which is the number of housing units that is required to be built in Brisbane during the eight-year period. The objective of the Housing Element is to streamline and increase the effectiveness of the Housing Plan. The goals, programs and policies are at the heart of the Housing Element.

Draft Housing Element Programs and Policies and Input Received

Senior Planner Julia Ayres presented seven proposed new or modified housing policies and programs included in the draft Housing Element and solicited input from Planning Commissioners and the public. For each program and policy, Commissioners and the public were asked for their reactions to the proposal and other input. The programs and policies presented and key input received are described below.

Program 2.A.5: Study zoning districts with reduced minimum lot sizes

This program involves studying zoning districts where a reduction of minimum lot sizes may be appropriate to encourage development of tiny homes, row houses, bungalows, or other similar developments. Commissioners were generally in favor of this proposal and the increased density that it would provide. There was support for using land efficiently to create housing. Concerns were expressed about how this proposal might impact parking issues and Commissioners expressed a desire to discuss this in more detail. It was noted that this approach should be considered in appropriate areas of the city, such as lower down the hill, and that neighborhood character should be a consideration.

Program 2.D.2: Encourage the development of ADUs

This program would explore a loan program for construction of ADUs and junior ADUs. Commissioners supported this idea, noting that the City should do whatever it can to encourage construction of more ADUs, including reducing fees where possible. Parking associated with ADUs was a concern. A member of the public supported this policy, as well as the City's previous efforts to encourage construction of ADUs.

Program 2.G.1: Study potential updates to the existing density transfer program to transfer development rights

This program would study potential updates to the Residential-Brisbane Acres (R-BA) zoning district density transfer program to include additional sites in other districts in the City to preserve parcels in the R-BA zoning district and transfer development rights to parcels with access to infrastructure and lesser habitat value. Commissioners supported this program and noted that it is important to study which areas of the city should be considered. They noted that this program would help to protect open space and the environment. A member of the public expressed concern about the impacts of this program in certain areas but supported the idea of preserving open space. Commissioners agreed that a study of this approach is needed to understand the impacts of the program and avoid negative impacts.

Policy 3.B and Program 3.B.1: Increase participation in Housing Choice Voucher and other rental assistance programs

These programs involve developing and implementing an education/outreach campaign to provide information to landlords and property managers about Housing Choice Vouchers and other rental assistance programs. Commissioners supported these programs, noting that it is important to increase awareness and share examples of positive experiences. Senior Planner Ayres committed to look into whether the vouchers can be used for home ownership as well as rents.

Program 4.A.3: Study Rent Control provisions

This program would study rent control provisions consistent with the Costa-Hawkins Act and state law. Commissioners generally favored studying rent control.

Program 6.A.3: Develop programs to reduce utility costs by increasing energy and water efficiency

This program would provide energy and water conserving devices and appliances, training and counseling to very-low, low, and moderate income households to reduce utility costs. Commissioners and a member of the public supported this program.

Program 6.A.5: Study reducing parking requirements for residential developments and promoting alternative modes of transportation

This program would study potential updates to the zoning ordinance to reduce parking requirements for residential development that provide or promote alternative modes of transportation such as transit and rideshare. Commissioners agreed that this program should be studied. They noted that parking and transit are intertwined because of the lack of good transit in Brisbane; this is an issue that the City needs to address.

Next Steps

Next steps are to release the draft Housing Element in early August, which will begin the public comment period. Future workshops will be held in August. A survey will be released in September and City Council hearings will be held in October. The Housing Element will be submitted to the California Department of Housing and Community Development and must be certified and adopted by January 31, 2023.

File Attachments for Item:

B. Approval of draft meeting minutes of August 11, 2022

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of August 11, 2022
Virtual Regular Meeting

CALL TO ORDER

Chairperson Patel called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Funke, Gooding, Lau, Patel, and Sayasane
Absent: None
Staff Present: Director Swiecki, Senior Planner Johnson, and Senior Planner Ayres

ADOPTION OF AGENDA

A motion by Commissioner Gooding, seconded by Commissioner Lau to adopt the agenda. Motion approved 5-0.

CONSENT CALENDAR

There were no items on the consent calendar.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

There were no written communications.

WORKSHOP

A. **2023-2031 Housing Element Update:** Orientation and Overview of Draft 2023-2031 Housing Element

Senior Planners Johnson and Ayres provided an overview of the changes to the organization of the Draft 2023-2031 Housing Element compared to the current 2015-2022 Housing Element and summarized the contents on the draft Housing Element, which included:

- *Chapter 1: Introduction* | City setting, Housing Element law, public participation, and consistency with the General Plan;
- *Chapter 2: Community Characteristics & Housing Needs* | Population and housing characteristics, trends, and needs;
- *Chapter 3: Resources and Opportunities* | Land resources, including site selection methodology and inventory, and financial and regulatory resources that encourage affordable

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housing, subsidize housing costs, preserve housing quality, and/or promote fair housing for all and anti-displacement of existing special needs housing units;

- *Chapter 4: Constraints* | Governmental and non-governmental constraints that restrict housing development, such as land use regulations, building codes, land prices, construction costs, and availability of financing; and
- *Chapter 5: Housing Plan* | Goals, policies, and programs and quantified objectives for preservation of existing units and construction of new units within the 2023-2031 cycle.

Commissioners asked staff about the City's obligation to zone for housing units versus the construction of new units by private developers, and how future water supply reductions might constrain housing production over the planning period.

Staff reviewed the 30-day formal comment period running through September 9, 2022 and upcoming public hearings at the Planning Commission and City Council. Once the City Council approves the Draft 2023-2031 Housing Element for submittal to the State, the State will review the draft and, based on the experience of other cities, will have comments and revisions for the City to address. Depending on how many iterations are required by the State, the revised, final 2023-2031 Housing Element will be adopted by the City Council and submitted to the State for certification by mid-2023.

ITEMS INITIATED BY STAFF

Senior Planner Ayres announced an in-person Planning Commissioner training provided by the Institute for Local Government (ILG) in October 2022.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

Chairperson Patel declared the meeting adjourned to the next regular meeting of August 25, 2022 at approximately 8:30 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

File Attachments for Item:

C. Approval of draft meeting minutes of August 25, 2022

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of August 25, 2022
Virtual Regular Meeting

CALL TO ORDER

Chairperson Patel called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners, Gooding, Lau, Patel, and Sayasane
Absent: Commissioner Funke
Staff Present: Director Swiecki, Senior Planner Johnson, and Senior Planner Ayres

ADOPTION OF AGENDA

A motion by Commissioner Gooding, seconded by Commissioner Sayasane to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

There were no items on the consent calendar.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Patel acknowledge [three letters were received](#) pertaining to agenda item A.

PUBLIC HEARING

- A. **Citywide; General Plan Amendment 2022-GPA-1;** 2023-2031 Housing Element Update; City of Brisbane, applicant

Senior Planners Johnson and Ayres gave a presentation on the draft 2023-2031 Housing Element that was published on August 8, 2022 for a 30-day public comment period. They highlighted how to view and comment on the draft Housing Element. They noted that a public hearing at City Council is scheduled for early October and that a Housing Element Survey is available until September 23, 2022, to solicit feedback on various programs found within the draft Housing Element.

Chairperson Gooding opened the public hearing.

Tony Lavaysse, spoke in favor of area labor standards for construction workers.

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Prem Lall, Brisbane resident, spoke about the importance of considering climate change impacts on the location of new housing.

With no one else wishing to address the Commission, a motion by Chairperson Patel, seconded by Commissioner Gooding to close the public hearing was approved 3-0. (Commissioner Lau lost connection momentarily.)

After deliberation, a motion by Commissioner Gooding, seconded by Commissioner Lau, to recommend the City Council submit the draft Housing Element to HCD for review via adoption of Resolution 2022-GPA-1 was approved 4-0.

ITEMS INITIATED BY STAFF

Director Swiecki encouraged the Commissioners of to attend the in-person Planning Commissioner training provided by the Institute for Local Government (ILG) in October 2022 and informed them that the California High Speed Rail Authority approved the EIR for the San Francisco to San Jose segment.

ITEMS INITIATED BY THE COMMISSION

Commissioner Gooding recommended his peers attend the in-person Planning Commissioner training and that he will be attending.

ADJOURNMENT

Chairperson Patel declared the meeting adjourned to the next regular meeting of September 8, 2022 at approximately 8:10 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

File Attachments for Item:

D. Overview and Discussion of New State Housing Laws



MEMORANDUM

DATE: November 10, 2022
 TO: Planning Commission
 FROM: Planning Staff
 SUBJECT: Workshop – Overview and Discussion of New State Housing Laws

OBJECTIVE

The purpose of tonight's workshop is to dive into several new State housing laws effective in 2022 and taking effect in 2023 that impact the City's zoning regulations.

BACKGROUND

For the past several years, the State has implemented various laws to encourage residential development by reducing or eliminating local control over how municipalities permit and review certain types of residential development applications. The most prominent examples of these changes in Brisbane are to the City's accessory dwelling unit (ADU) regulations and the City's residential design review procedures relative to the adoption of objective design standards.

The laws we'll review tonight build upon this trend with further reaching impacts to the City's zoning regulations:

- SB 9 (effective 1/1/2022): Allows smaller lot sizes and duplex conversions without discretionary review in single-family zoning districts, provided numerous requirements are met.
- SB 478 (effective 1/1/2022): Sets minimum FARs and eliminates lot size minimums for multi-family or mixed-use developments of 3-10 units.
- AB 2011 and SB 6 (effective **7/1/2023**): Allows eligible residential development on commercially zoned land, subject to numerous restrictions and criteria.

DISCUSSION

SB 9: Ministerial lot splits and duplex conversions

SB 9 establishes a ministerial (non-discretionary) approval process for property owners in the R-1 and R-BA residential districts to subdivide their property into two lots that are smaller than the district's minimum lot size requirement. It also allows single-family property owners to convert existing structures or build new duplexes on single-family lots. Applied for simultaneously, it could result in four homes being constructed on properties that otherwise would be limited to two homes (single-family plus an accessory dwelling unit) by the zoning regulations. Attachment A provides an overview of different scenarios that property owners could pursue under SB 9.

SB 9 does not reduce lot sizes or change permitted uses across the board; property owners must invoke its requirements for a specific project. Further, there are numerous caveats and eligibility criteria embedded into SB 9 that are intended to limit speculative use of the statute and ensure it results in the modestly scaled infill development the legislature intended.

Criteria include:

- New units may be limited to 800 sq ft in floor area
- Property owners must reside on one of the properties or units for at least 3 years
- One parking space may be required per unit
- New lots must be roughly the same size and no less than 1200 sq ft
- Properties may only be subdivided once - no serial subdivisions
- Properties with habitat for listed species are ineligible
- Properties occupied by tenants in the past three years are ineligible

Additional limitations are noted in Attachment A.

When considering how the City may implement SB9 here are a few discussion points for the Commission's consideration:

- Should the City allow units larger than 800 sq ft to be developed on lots resulting from lot splits or new duplex units?
 - o Consider now: The City may limit units to 800 sq ft and may only require 1 parking space for those units. However, the City could consider allowing larger units if additional parking is provided in line with existing parking requirements.
 - o Consider later: Program 2.A.5 of the draft Housing Element proposes studying zoning districts where reductions to minimum lot sizes may be appropriate to allow infill development of small homes. Consideration of larger unit sizes and appropriate development standards could be deferred to this more comprehensive future study.

SB 478: Increased FAR and No Minimum Lot Size for 3-10 Unit Developments

Floor area ratios (FAR) control the massing of a building on a lot and are calculated as a ratio of the total floor area of all structures on a given lot divided by the lot size (see Table 1 below for examples of square footages resulting from FARs). Floor area includes the square footage of all floors of a building or structure with at least 6 ft of interior floor to ceiling height, measured from the interior face of exterior walls. Maximum residential FARs in multi-family residential and mixed-use districts are shown in the table below.

Table 1. Multi-Family and Mixed-use District FARs and Minimum Lot Sizes

| District | Max. FAR | Min. Lot Size | Max. Sq Ft (standard lot) |
|----------|----------|---------------------------------------|---------------------------|
| R-2 | 0.72 | 5,000 SF* (2,500 SF/unit) | 3,600 SF |
| R-3 | 0.72 | 5,000 SF*; (1,500 SF/unit) | 3,600 SF |
| NCRO-2 | 2.4 | 2,500 SF | 6,000 SF |
| SCRO-1 | 2.8 | 7,500 SF (1,500 SF/unit for 3+ units) | 21,000 SF |

*4,950 SF acceptable for 2-unit development

SB 478 mandates that cities allow at least a 1.0 FAR for 3-7 unit developments and at least a 1.25 FAR for 8-10 unit developments, and prohibits applying minimum lot size requirements so long as the property is a legal lot. The City may still apply objective design standards and parking requirements so long as they would not physically preclude the project from achieving the allowed FAR. To comply, the City will need to amend the maximum FAR in the R-2 and R-3 districts and the minimum lot sizes in the R-2, R-3, NCRO-2, and SCRO-1 districts for 3-10 unit residential and mixed-use projects only. Current standards will remain in effect for 1-2 and 11+ unit developments.

AB 2011 and SB 6: Residential Development in Commercial Districts

These two laws allow a developer to propose a residential or mixed-use development in commercial zoning districts without requiring a zoning amendment. In Brisbane, the impacted commercial districts are limited to the NCRO districts and SP-CRO districts based on the criteria in the statute. There are a couple key differences between the two laws that are summarized in detail in Attachment B. Notably, AB 2011 projects must provide a certain amount of affordable housing, must be reviewed ministerially, and are exempt from CEQA, while SB 6 projects are subject to typical review procedures under the Housing Accountability Act and are not exempt from CEQA unless the developer invokes other streamlining statutes (e.g., SB 35). Both AB 2011 and SB 6 projects must conform with objective design standards in effect at the time a development application is submitted.

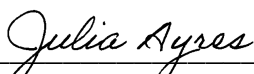
In 2022 the City adopted objective design standards that would apply to both AB 2011 and SB 6 projects, and procedures for streamlined project review that would apply to AB 2011 projects. Some adjustments may be required to those ordinances to reflect the specific standards and processes in the statutes. However, the City Council deferred adopting objective standards for the NCRO districts until further study could be completed. It is anticipated this work will occur in the spring and summer of 2023. The effective date of AB 2011 and SB 6 is July 1, 2023.

NEXT STEPS

Staff anticipates presenting a draft ordinance implementing SB 9 and SB 478, which are already in effect, to the Commission in January 2023, with adoption by the City Council following in February. Implementation of AB 2011 and SB 6 will require additional studies and engagement related to objective standards applicable to the NCRO districts; a specific work plan will be provided in January 2023.

ATTACHMENTS

- A. [SB 9 Handout](#)
- B. [AB 2011 and SB 6 Handout from ABAG](#)


 Julia Ayres, Senior Planner


 John Swiecki, Community Development Director

File Attachments for Item:

E. Staff update on 2022 California Building Code update and local “reach codes”



MEMORANDUM

DATE: November 10, 2022
 TO: Planning Commission
 FROM: Jeremiah Robbins, Associate Planner via John Swiecki, Community Development Director
 SUBJECT: **Discussion of Adoption of the 2022 California Building Code & Reach Codes**

Introduction

Every three years a new set of construction codes, or California Building Standards Code (CBC), is published by the state. Local adoption of these codes vests the authority to enforce the state codes with the local jurisdiction, as required by state law. The new 2022 CBC will become effective statewide on January 1, 2023. The three-year update cycle is also the time for a city to adopt local modifications, or “reach codes”, if desired. Since CBC adoption and reach codes are contained in Title 15 – Buildings and Construction of the Brisbane Municipal Code (BMC), they are not subject to the Planning Commission’s purview. However, this memo is provided to inform the Commission of the proposed amendments to Title 15 before the City Council considers code adoption later this month. The Codes are still under preparation so this memo provides a preliminary overview of key draft provisions for the Commission’s information.

Background

The California Health and Safety Code allows local jurisdictions to modify the CBC and adopt more stringent requirements or “reach codes”, with the caveats that:

1. The local modifications to the state code must be substantially equivalent to or more stringent than the building standards published in the California Building Standards Code; and
2. The local jurisdiction is required to make specific findings that such changes are reasonably necessary because of local geological, climatic, topographic, and/or environmental conditions.

The last state building code adoption cycle was effective on January 1, 2020, and the City amended BMC Chapter 15.04 to adopt it as well as local modifications to the State Fire Code. The City also adopted reach provisions pertaining to energy conservation and generation and electric vehicle charging infrastructure with the last cycle.

Reach codes provided within Title 15 include the following:

- Fire Prevention
- Water Conservation in Landscaping
- Recycling and Diversion from Construction and Demolition
- Green Building Requirements
- Energy Conservation and Generation
- Electric Vehicle (EV) Charging Infrastructure

Proposed Reach Code Amendments

There are no new reach codes proposed this cycle, rather the amendments for City Council consideration will include the repeal of a reach code that is no longer relevant, i.e., CBC provisions are at least as stringent, and the reorganization of an existing reach code to simplify its adoption.

In summary, the following action is recommended for the City's existing reach codes related to energy and GHG provided below:

| <i>Reach Code</i> | <i>Recommended Action</i> |
|-------------------------------|--|
| Onsite Energy Generation | Repeal |
| EV Charging Infrastructure | Retain |
| New Buildings Electrification | Retain with minor amendment(s) to narrow scope of permitted exceptions |

Onsite Energy Generation, or solar energy generation: Originally adopted in 2016 and modified in 2019, the 2022 CBC will meet or exceed the requirements of this reach code. As it will be obsolete in 2023, staff recommends the it be deleted.

EV Charging Infrastructure reach code: Adopted last cycle, this reach code still exceeds the requirements imposed by the 2022 CBC and it remains more stringent than the most recent model reach code template for EV charging infrastructure. A minor update is proposed to the City's related EV streamlining ordinance to reference successor legislation recently passed by the State that addressing the timeline, or streamlining requirements, on permits for EV charging infrastructure; no change is proposed to the current EV charging infrastructure standards contained within this reach code.

New Buildings Electrification: Also adopted last cycle, this reach code still exceeds the requirements contained within the 2022 CBC. However, staff recommends eliminating the blanket exceptions for residential and life science buildings contained within the current reach code. This would be in line with more recent reach codes adopted by cities, like San Mateo, Belmont, and San Carlos, that found there is no need for such exceptions. The proposed amendment would grant exceptions only if, "the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method." If an exception were granted, subject to approval from the Building Official, the applicant would still be required to pre-wire the building to be all-electric as condition of approval.

Other Amendments: Finally, as part of the code adoption, staff will be reviewing other areas of the BMC for consistency with the 2022 CBC. This includes, but is not limited to the Fire Department's review of the local Fire Code and other parts of the CBC. Amendments will be proposed to protect both public and private property within the City by reason of climatic, geological, topographical, and/or environmental conditions identified in the draft ordinance.


Jeremiah Robbins, Associate Planner


John Swiecki, Community Development Director