



## **CITY COUNCIL STAFF REPORT**

**DATE:** June 14, 2022

**TO:** Members of the City Council

**VIA:** Dante Hall, City Manager

**SUBMITTED BY:** Tim Rood, Community Development Director  
Larissa Alchin, M-Group, Contract Planner

**SUBJECT:** Amendment to the Hercules Municipal Code, Title 9—Building Regulations, modifying Chapter 5—Electrical Code

### **RECOMMENDED ACTION:**

Staff recommends that the City Council waive the second reading and approve final adoption of Ordinance No. 539 amending the City’s existing Building Regulations to require that certain new and rebuilt buildings be required to be built as “all-electric,” that is, without natural gas infrastructure.

### **FISCAL IMPACT OF RECOMMENDATION:**

There are no direct fiscal impacts associated with this item.

### **BACKGROUND & DISCUSSION:**

State law establishes a process that allows local adoption of energy standards that are more stringent than the statewide standards permitted by Title 24 of the California Code of Regulations (CCR), which is commonly referred to as “the Building Code.” These local amendments to energy standards are called “Reach Codes” because they are reaching beyond the minimum requirements with the goal of decreasing greenhouse gas (GHG) emissions.

In mid-2021, the City Council directed Staff to bring forward potential Reach Code recommendations that would apply to new construction. At the September 28, 2021, meeting, following staff’s presentation on the health, safety, and environmental concerns associated with natural gas use in buildings (see Attachment 3), Council directed staff to return with additional information regarding the range of ordinance types, example ordinance, feasibility, and California power grid capacity. Staff returned for the January 11, 2022, City Council meeting with the requested information (see Attachment 4). Because the City of Hercules contracts with Contra Costa County’s Building Department for building plan check services and inspections, Council weighed the options of adopting a stand-alone ordinance or adopting by reference the County’s All-Electric Ordinance, and directed City staff to report back at a later date once the County adopted its own ordinance.

Following the Contra Costa County Board of Supervisors adoption of an All-Electric Ordinance on January 18, City staff returned to the Hercules Council on February 8, 2022, to present the County's ordinance and request direction on drafting an ordinance for Hercules (see Attachment 5). The County ordinance requires all newly constructed buildings that are any of the following to be all-electric buildings:

- Residential
- Detached accessory dwelling units
- Hotel
- Office
- Retail (including restaurants)

Rather than adopting the County's ordinance by reference, the City Council directed staff to draft an all-electric ordinance to amend the 2019 California Building Standards Code to require all of the following newly constructed buildings be all-electric, with no natural gas infrastructure:

- Residential
- Hotel
- Office
- Accessory dwelling units

At its regular meeting on April 12, 2022, the Planning Commission reviewed and voted to recommend for Council adoption a draft ordinance aligned with Council's prior direction but with the following modifications:

- a. Change "Accessory Dwelling Units" to "Detached Accessory Dwelling Units";
- b. Clarify that rebuilding of existing structures would be subject to the ordinance; and
- c. Revise the exception for laboratories and medical buildings to apply only to laboratory- and research-specific functions and not for general heating and appliance purposes.

The all-electric building requirements of the ordinance would *not apply* to any of the following uses:

- Emergency facilities and emergency generators
- Restaurants
- Retail

The ordinance (Attachment 1) based on Planning Commission's resolution (Attachment 2) is provided for the City Council's review and consideration.

This ordinance amendment was introduced at the May 24, 2022 regular City Council meeting.

**ATTACHMENTS:**

1. Ordinance No. 539 – All-Electric Building Decarbonization
2. Planning Commission Resolution No. 22-06
3. Staff Report to City Council – September 28, 2021
4. Staff Report to City Council – January 11, 2022
5. Staff Report to City Council – February 8, 2022