

- a. Study Session Regarding the Framework for the City's Sustainability Projects Including the Implementation of Reach Codes, Electric Vehicle Charging Stations, Climate Action Plan, Flood Plain Management Ordinance, and Construction & Demolition Debris Ordinance



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** March 8, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Pamela Wu, Director

**SUBJECT:** Study Session Regarding the Framework for the City's Sustainability Projects Including the Implementation of Reach Codes, Electric Vehicle Charging Stations, Climate Action Plan, Flood Plain Management Ordinance, and Construction & Demolition Debris Ordinance

**BACKGROUND:** As directed by City Council in its 2021 Strategic Initiatives to adopt City's Reach Codes and Climate Action Plan, the purpose of the study session is to provide City Council an update regarding the framework for the City's environmental goals and priorities and facilitate City Council discussion on the City's Sustainability Plans. Prior to adopting ordinances and implementing sustainability policies, staff intends to provide an overview of the sustainability development process, discuss the assessment of the City's goals and progress related to greenhouse gas emissions, and review next steps. Staff's presentation has been divided into five sections with an opportunity to ask questions or provide comments. Staff's proposed initiatives primarily focuses to reduce the City's carbon footprint and to become more sustainable energy users. The five sections are:

- Section 1: Reach Codes Ordinance
- Section 2: Electric Vehicle Charging Stations Ordinance
- Section 3: Climate Action Plan
- Section 4: Flood Plain Management Ordinance
- Section 5: Construction & Demolition Debris Ordinance

**DISCUSSION:**  
**SECTION 1: REACH CODES ORDINANCE**

**BACKGROUND**

Reach Codes are local amendments that exceed the Building Energy Efficiency Standards Code and Green Building Standards Code. The adoption of Reach Codes aim to reduce greenhouse gas emissions (GHGs) by reducing reliance on natural gas and gasoline through refocusing energy consumption towards electrification. California state law allows local governments to impose additional measures beyond the California Building Energy Efficiency and the Green Building Standards Codes through the adoption of Reach Codes.. The adoption of Reach Codes will include new building standards under Title 24 of the California Code Regulation, titled as the California Building Standards Code. Since the State requires the Building Code to be updated every three years, the next code cycle will be adopted in 2022 and

will be effective January 1, 2023. Local jurisdictions that adopt Reach Codes to the California Energy Code (Title 24, Part 6) and the California Green Building Standards (Title 24, part 11) codes in 2022 to meet local climate action goals will be included in the next code update. The proposed framework for the City's Reach Codes is modeled after the template provided by Peninsula Clean Energy (PCE) and the San Mateo County Office of Sustainability which includes key concepts that have been previously approved by California Energy Commission (CEC).

Reach Codes must be shown to be cost-effective as a relevant criteria for adoption. The cost saved from the reduced energy needs to be enough to cover the initial cost within a reasonable period of time. Statewide Investor-Owned Utilities Codes and Standards Team (Statewide IOU Team) prepares a cost effectiveness study for different climate zones. The study is funded by ratepayer funds and analyzes different building types. Although the study will not primarily depict each City's findings, it does target various climate zones. If City Council recommends Staff to move forward with Reach Codes, Staff will develop and draft the ordinance based on the cost effectiveness study findings.

#### BUILDING APPLIANCE ELECTRIFICATION

The goals of adopting the Reach Codes is to eliminate fossil fuels from buildings and to ensure buildings allow the community to easily use electric vehicles (EVs). In California, building emissions are overwhelmingly from methane gas uses that can be electrified. There are three Reach Code Pathways:

##### **All-Electric Required**

The all-electric required Reach Codes pathway requires specific end-uses to install electric appliances, with exceptions. There is considerable interest in mandating all-electric new construction to eliminate any fossil fuel services in new construction. PCE will be providing approximately 96% carbon-free electricity to assist the community in meeting the State's goal. Additionally, eliminating the use of natural gas can greatly reduce GHG emissions from buildings.

##### **All-Electric Preferred**

The all-electric preferred Reach Codes pathway allows mixed-fuel buildings with high energy performance, requiring additional energy efficiency measures, battery storage, and/or pre-wiring for buildings to be electric-ready. This pathway encourages electrification of buildings by achieving a higher energy efficiency level than the Energy Code using both natural gas and electricity. Energy efficiency improvements for mixed fuel buildings are typically implemented by requiring buildings to meet some marginal improvement in the Energy Design Rating (EDR), thus exceeding the minimum efficiency required by Title 24 Energy Standards. The higher the EDR margin, the greater the increase in energy efficiency. This rating is calculated using CEC approved software that is used to demonstrate compliance with energy standards by builders. This pathway creates additional complexity in measuring the construction requirements and increases staff time and resources.

##### **Natural Gas Ban**

The Natural Gas Ban Reach Codes pathway prohibits gas hookups in new construction. This

model requires an amendment of both local building codes and Health and Safety Code (HSC). Few cities have adopted this ordinance, which is more aggressive than all-electric required and all-electric preferred model. However, natural gas bans receive more oppositions from businesses and stakeholders and are more difficult to implement.

STAFF RECOMMENDED APPROACHES AND EXEMPTIONS

In January 2022, PCE shared information to Cities and provided an update on efforts towards developing Reach Code recommendations based on key findings from the upcoming 2022 Energy and Green Building Standards Code. In general, Reach Codes would only apply to **new construction** and will include single-family, multi-family, non-residential buildings. To align with the direction of the State’s goal in reducing reliance on natural gas and gasoline, Staff is requesting feedback on the recommendation of all-electric required reach codes.

Table 1 outlines six potential exceptions to the recommended all-electric Reach Codes option for City Council to consider based on exceptions adopted in other Cities:

Table 1. Staff Recommended Exemptions		
Exemption	Definition & Notes	Cities Adopted
<b>1. Planning Entitlement</b>	All-Electric Building requirements shall not apply to projects with planning entitlements approved by the City prior to the effective date of this ordinance.	Berkeley, Los Gatos, Milpitas, Palo Alto, Redwood City, San Jose
<b>2. Non-Residential Building containing a commercial kitchen</b>	Non-Residential Building containing a commercial kitchen may contain non-electric cooking appliances.	Brisbane, Burlingame, Campbell, Cupertino, Daly City, Hayward, Los Gatos, Menlo Park, Millbrae, Mountain View, Pacifica, Palo Alto, Redwood City, San Jose, San Mateo
<b>3. Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs)</b>	Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) shall be exempt from the all-electric building provisions of this section.	Campbell, Cupertino, Daly City, Hayward, Pacifica, Palo Alto, Redwood City

<p><b>4. Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards</b></p>	<p>Non-Residential Buildings that will be constructed per standards stipulated by the Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards. This includes any construction that may contain non-electric space-conditioning, water-heating systems, and process load systems.</p>	<p>Burlingame, Campbell, Daly City, Los Gatos, Millbrae, Palo Alto, Redwood City, San Jose, San Mateo</p>
<p><b>5. Affordable Housing</b></p>	<p>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 50% 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.</p>	<p>Daly City, Redwood City, San Jose</p>
<p><b>6. Technical Infeasibility</b></p>	<p>Technical Infeasibility exemption in the Energy Code amendments for unusual circumstances where an applicant can show that due to exceptional characteristics of the structure, property, or business involved, a literal enforcement of the code will result in practical infeasibility. If an applicant for a covered project believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption. In applying for an exemption, the burden is on the applicant to show infeasibility. Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The design professional shall submit findings to the building official demonstrating a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the building division.</p>	<p>Berkeley, Burlingame, Cupertino, Daly City, Hayward, Los Gatos, Morgan Hill, Redwood City</p>

### NEXT STEPS

Upon confirmation of framework presented for the draft Reach Codes, the actual adoption can be combined with the Building and Fire code updates in fall this year, which will take effect on January 1, 2023.

Staff will continue working alongside resource partners in finalizing the cost-effectiveness study for the San Bruno Reach Code model. This study will be included as part of the Reach Codes adoption. Additionally, staff will conduct community and stakeholder outreach to seek feedback on Reach Codes and provide technical assistance resources as needed to the community. San Mateo County Office of Sustainability has partnered with TRC Companies, Inc. (TRC) to provide free community support and technical assistance to stakeholders impacted by the Reach Codes.

### QUESTIONS FOR CITY COUNCIL

1. Does the City Council agree with Staff to proceed with the adoption of Reach Codes?
2. Does the City Council agree with Staff's recommendation to apply all-electric reach codes with exceptions for new construction only?

## **SECTION 2: ELECTRIC VEHICLE CHARGING STATIONS ORDINANCE**

### BACKGROUND

Bay Area residents are showing a significant interest in electric vehicles. California had approximately 425,300 electric vehicle (EV) registrations in 2020. California has the greatest number of registered electric vehicles, approximately 42% of the electric vehicles nationwide. It is widely known that availability of EV charging infrastructure is a critical component to EV adoption. The City of San Bruno has 69 public charging stations, 3 of which are free EV charging stations. It is significantly more expensive to install charging infrastructure as a retrofit than it is during new construction. As such, ensuring that newly constructed residential and non-residential parking has ample EV charging capability will reduce long-term costs of EV infrastructure installation, while helping to increase EV adoption and decrease transportation-related greenhouse gas emissions.

### ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

While California's new minimum requirements are a step forward, it is unlikely that the requirements for multi-family dwellings and non-residential buildings are enough to keep pace with expected EV growth looking towards 2030. The Statewide Program's team reviewed approaches to increase the amount of EV infrastructure in new construction buildings, while keeping construction costs as low as possible.

Although the 2022 California Green Building Standards Code ("CALGreen", Title 24, Part 11) has not been published to the public yet, PCE provided the 2022 key concepts that includes EV infrastructure requirements. In addition, the 2022 CALGreen Code requires that all new construction to include adding "EV Capable" parking spaces which have electrical panel capacity, a dedicated branch circuit and a raceway to the EV parking spot to support future

installation of charging stations. Staff recommended electric vehicle charging requirements are listed below in Table 2:

Table 2: Electrical Vehicle Charging Requirements			
Building Type (New Construction)	Mandatory		Recommended
	2019 CALGreen	2022 CALGreen	Proposed San Bruno Code
One- & Two-family Dwellings	(1) Level 2 EV Capable for one parking space per dwelling	(1) Level 2 EV Capable for one parking space per dwelling	(1) Level 2 EV Capable for one parking space per dwelling
Multi-Family	10% Level 2 EV Capable	5% Level 2 EVCS 25% Level 2 EV Ready 10% Level 2 EV Capable	10% Level 2 EVCS 30% Level 2 EV Ready 25% Level 1 EV Capable
Non-Residential	6% Level 2 EV Capable	5% Level 2 EVCS 15% Level 2 EV Capable	10% Level 2 EVCS 20% Level 2 EV Capable

All new construction must comply with CALGreen. Unlike amendments to the Energy Code or the adoption of Reach Codes, a cost-effectiveness study is not required for amendments to Title 24, Part 22, which covers as the requirement of installing electric vehicle charging infrastructure. However, to evaluate the financial impact on first costs, PCE commissioned an analysis of the total cost of implementing various EV infrastructure measures. Staff have worked closely with PCE to establish new construction EV requirements which are more in-line with local EV adoption trends, while providing flexibility for the builder and keeping construction costs as low as possible. Per a cost study completed by Turner and Townsend, implementation of EV charging infrastructure is approximately 0.3% of the overall construction cost. PCE also provides incentives to developers for various port types for property owners when implementing EV charging infrastructure. To be eligible for incentives, applicants are required to enroll and participate in the Technical Assistant Program. Based on the property and port type, applicants are eligible incentives between \$2,000 to \$80,000.

EV charging requirements in California are implemented through one of the three categories below:

Table 3: Electrical Vehicle Charging Infrastructure	
Readiness	Description
EV Capable	Conduit is installed to parking space, and building electrical system has ample capacity to serve future load. An electrician would be required to complete the circuit before charging is possible

EV Ready	Parking space is provided with all power supply and associated outlet, such that a charging station can be plugged in and a vehicle can charge
EV Charging Station (EVCS)	All supply equipment is installed at a parking space, such that an EV can charge without additional equipment

EV charging capacity and speed can be summarized as three categories:

Table 4: Electrical Vehicle Charging Capacity/ Speed	
Capacity/ Speed	Description
Level 1	3-4 miles per charging hour · Equivalent to a standard home outlet
Level 2	10-20 miles per charging hour · Service capacity typically used for larger appliance loads in homes
Level 3	150+ miles per charging hour · Used for Tesla Superchargers and DC Fast Chargers at some supermarket

The EV Charging requirements are specifically for newly constructed buildings. The 2019 CALGreen Code did present certain exceptions to the EV charging spaces, however, it is uncertain on the exact exemptions indicated in the 2022 CALGreen Code. After the Building Codes are published in July, Staff will review the requirements and exemptions and incorporate it into the ordinance for City Council’s review. Table 5 addresses nearby Cities which have adopted the ordinance.

Table 5: EV Charging Station Ordinance Adoption	
City	Ordinance Adoption
Brisbane	
Burlingame	X
Daly City	X
East Palo Alto	X
Menlo Park	X
Millbrae	X
Pacifica	
Redwood City	X
San Bruno	
San Carlos	X
San Mateo	X
San Mateo County	X
South San Francisco	X



Campbell	X
Cupertino	X
Los Altos	
Los Altos Hills	
Los Gatos	X
Milpitas	X
Morgan Hill	

NEXT STEPS

Staff will require City Council approval before adopting the EV Charging Station Infrastructure ordinance for new construction. If City Council recommends Staff to move forward with the adoption of the ordinance, Staff will present the ordinance and findings in Fall 2022. If City Council declines the adoption of EV Charging Station Infrastructure ordinance, the City will have to comply with the minimum requirements through CALGreen.

QUESTION FOR CITY COUNCIL

1. Does the City Council agree with Staff to proceed with the adoption of EV Charging Station ordinance?

**SECTION 3: CLIMATE ACTION PLAN**

BACKGROUND

In June 2011 and November 2015, Staff presented the scope of work and budget related to the preparation of City’s Climate Action Plan (CAP) to City Council. However, the CAP preparation did not proceed with other competing priorities, in addition to the needed work and staff’s involvement following the San Bruno explosion and rebuild. As part of City Council’s 2021 Strategic Initiatives, staff is presenting an updated scope of work and budget to implement City’s CAP. To put California on the path to a low-carbon future, the California Air Resources Board (CARB) approved the Climate Change Scoping Plan in 2008. The plan directed the State to reach 1990 emissions levels by 2020. Municipal governments were asked to reduce their emissions by at least 15 percent by 2020 compared with current levels (2008 levels or earlier). This prompted many cities to adopt community-wide emissions reduction targets of at least 15 percent below 2005 levels. To remain in compliance with State law, local jurisdictions are encouraged to adopt a Climate Action Plan to reduce GHG emissions limits to levels identified by CARB.

The Climate Action Plan (CAP) is a comprehensive framework that helps fight climate change by focusing on major sources of greenhouse gas emissions in the City. CAP is designed to be a blueprint of the community’s response to the challenges posed by climate change. It also provides tools for residents and businesses to curb the impacts of global warming. Energy use is a vital component of sustainability due to the greenhouse gas emissions associated with natural gas, electricity, transportation, and burning of fossil fuels. Initiating a City CAP will

provide a roadmap for pursuing community-wise and municipal reduction in GHG emissions. The Plan will also encourage future policies to be geared towards a sustainable community.

However, it is important to note that although the City has not yet adopted the City's Climate Action Plan, several sustainability efforts have been implemented in many City facilities. For instance, the City has made efficient use of electricity and water in municipal buildings and facilities. City-occupied spaces have been converted to LED lighting and exterior lighting has been converted to solar power with battery reserve to last overnight. Majority of the HVAC systems have programmed schedules with setpoint control to maximize efficiency. These controls prevent HVAC systems from operating overnight. Additionally, with the Police Department providing 24-hour/7-day coverage, the Facilities and Fleet staff is completing the installation of a building management system (BMS) to improve HVAC efficiency. Instead of the HVAC running full time to create a specific temp without any real input, the BMS analyzes the various zone demands and optimizes supply air temperature. With the adoption of City's Climate Action Plan, there will be additional measures requirement to further reduce the overall greenhouse gas emissions.

#### GREENHOUSE GAS INVENTORY

The initial step towards the Climate Action Plan draft is to develop a City-wide inventory of GHG emissions. Conducting a GHG emissions inventory will determine which sectors are the greatest contributors of GHG emissions and establish a baseline from which to set goals and measure progress. The baseline GHG emissions inventory provides the data needed to prioritize actions that will offer the best return on investment, whether through cost, energy consumption, or GHG emissions reductions. The scope of a GHG emissions inventory can be completed for local government operations, the community, or both.

The latest inventory report San Bruno received was for 2010 community GHG. The report was provided in April 2014 and was prepared through the San Mateo County Energy Watch program and funded by California utility customers. If City Council advises staff to move forward with the preparation of CAP, the previous study is outdated and will require an updated GHG inventory report. A GHG inventory is a precursor to developing a CAP and ensuring investments in climate action strategies and programs target local pollution sources. Staff is awaiting response from CARB on the initiation of GHG inventory. The outdated GHG inventories will not represent current practices. To complete a study, there are two options presented. Option 1 is to receive data that is being prepared by Rincon that was contracted by the County of San Mateo to collect data collection for the 2018-2019 Countywide inventory development. The preliminary data collection is underway and Rincon will be reaching out to data partners by March 2022 to request authorization to access community utility use data. In Spring 2022, the team will be providing GHG inventory and methodology updates. However, it is unclear when the County will provide individual City GHG inventory data. If data collected by Rincon is not available to San Bruno, alternative the study can be conducted through a request for California Air Resources Board. The request was submitted on behalf of 42 cities and towns to conduct GHG inventories as part of a statewide initiative. .

#### BUDGET

While there are no active grants currently available for the drafting and preparation of the Climate Action Plan, there are various resources available for jurisdictions to initiate actions towards CAP and sustainability. City Staff can continue collaborating with multiple stakeholder

groups and enhance the accuracy and suitability of CAP funding and financing strategies. City of Fremont is considering a bond to combine a large subset of climate action initiatives, including transportation, municipal building energy efficiency retrofits, and energy generation projects. Oakland is considering a Green or Public Bank as part of its CAP, which could serve as the funding source for multiple other CAP action items. Green banks are financial institutions that can leverage public funding to attract private capital for clean energy projects. Many other neighboring Cities are procuring services for CAP through the capital improvement program fund. Staff can continue researching additional methods of funding while collaborating with organizations to push sustainable initiatives.

Staff has contacted both Skyline College and Climate Corps to discuss ways to assist City staff in drafting the Climate Action Plan as part of Fellowship programs. If City Council advises staff to proceed preparation of CAP using a Fellowship program and available resources, additional budget enhancement for a sustainability staff may be needed to mentor and oversee the project. Additionally, the timeframe to complete the draft may be longer than utilization of professional consultants. Table 6 outlines the differences in budget and timeline between the two options. Based on a County-wide sustainability questionnaire conducted in 2021, Cities that have prepared a CAP draft has had a .65 FTE position dedicated to CAP work.

Table 6: CAP Preparation Paths					
	Tasks	Timeline for CAP Preparation	Prepared by	Budget	Notes
Option 1: City Staff and Professional Consultant	Greenhouse Gas Inventory	15 months	Consultant	\$150,000	Handled primarily by consultant with minimal staff time/cost. <b><u>Does not include implementation costs.</u></b>
	Greenhouse Gas Forecast & Target Setting		Consultant		
	Greenhouse Gas Reduction Analysis		Consultant		
	CEQA Streamlining		Consultant		
	Climate Action Plan		Consultant		
	Community Engagement		Consultant & City Staff		
Option 2: City Staff, RICAPS, Fellowship, and Community Resources	Tasks	Timeline for CAP Preparation	Prepared by	Budget	Notes
	Greenhouse Gas Inventory	19-23 months	CARB/RINCON	\$90,000	Includes staff time/cost of .5 FTE. <b><u>Does not include implementation</u></b>
	Greenhouse Gas Forecast & Target Setting		City Staff & Fellow		

	Greenhouse Gas Reduction Analysis		City Staff & Fellow		<u>costs.</u>
	CEQA Streamlining		City Staff & Fellow		
	Climate Action Plan		City Staff & Fellow		
	Community Engagement		City Staff & Fellow		

NEXT STEPS

Staff will require City Council approval before implementing either of the options described in Table 5. If the City Council accepts recommended prioritization, the total initial investment would be between \$90,000 to \$150,000 to prepare a CAP draft. It is also important to note that each of these tasks outlined would be completed towards the adoption of the CAP. Implementation of the CAP would require additional funding and assistance. If the City Council accepts Staff to move forward with CAP preparation, Staff will provide an update to City Council after the adoption of CAP to discuss the next steps for implementation.

QUESTION FOR CITY COUNCIL

1. Does the City Council want to move forward with the City’s Climate Action Plan?
2. Does the City Council want Staff to utilize State & Community resources to work on the CAP or would City Council want Staff to work with professional consultant?

**SECTION 4: FLOOD PLAIN MANAGEMENT**

BACKGROUND

Changes in climate and atmosphere can result in extreme drought, wildfires, and tropical storms. The challenges posed by climate change, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels could significantly alter the types and magnitudes of hazards faced by communities. Cities are recommended to adapt to the impacts of climate change. The Floodplain Management Ordinance governs construction in flood-prone areas. The City of San Bruno is a participant in the National Flood Insurance Program (NFIP). Under this program, which is managed by the Federal Emergency Management Agency (FEMA), the federal government makes flood insurance available at affordable rates in the City.

In 2014, FEMA conducted the San Francisco Bay Area Coastal Study and as a result of the study, wave-induced flood risks for coastal communities were assessed. Previously, the entire area of San Bruno had been categorized as Zone D in FEMA's Flood Rate Insurance Rate Maps (FIRM). The Zone D designation is used by FEMA for areas where there are possible but

undetermined flood hazards in circumstances where no analysis of flood hazards has been conducted. Although FEMA's previous studies did not show any special flood hazard areas in San Bruno, the new analysis completed by FEMA identified numerous residential properties within the City's Belle Air neighborhood as potentially subject to coastal flooding. The parcels identified on FEMA's preliminary FIRM are now shown to be higher-risk flood zone and indicated as Zone AE. Zone AE is official defined by FEMA as "Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply." By Federal Law, any property owner with a federally regulated or insured mortgage loan is required to purchase flood insurance for any property within FEMA flood hazard zones.

In August 2016, an appeal package was subsequently submitted to FEMA. In 2017, FEMA reviewed San Bruno's submitted data, assumptions, and model in the appeal package, but determined that the preliminary FIRM showing the SFHA, BFE, flood depths, and flood risk zones for coastal flooding from the San Francisco Bay were correct as shown in the preliminary FIRM and therefore, rejected the City's appeal. On February 26, 2019, City adopted the Floodplain Management ordinance adding chapter 11.40 to Title 11. Since the adoption, FEMA reached out to the City with recommended revisions for City ordinance to align with the updated requirements and include Zone AH into the Ordinance along with additional definitions.

#### NEXT STEPS

Staff is working with FEMA to bring an amended ordinance for Floodplain Management in compliance with the regulations. In January 2022, Staff made draft edits to the ordinance and submitted for FEMA review. After the ordinance changes are approved by FEMA, Staff will request City Council for ordinance adoption.

#### QUESTION FOR CITY COUNCIL

1. Does the City Council have any comments or questions on the Floodplain Management compliance process identified by staff?

### **SECTION 5: CONSTRUCTION & DEMOLITION DEBRIS**

#### BACKGROUND

Effective January 1, 2011, California's Green Building Standards Code (CALGreen) required the diversion of at least 50 percent of the construction waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Subsequent amendments have expanded upon what types of construction are covered and, effective January 1st, 2017, the required diversion rate was raised to a minimum of 65%. That means, on certain construction and demolition projects, at least 65% of the generated waste has to be reused, or recycled. Cities can be fined \$10,000 per day by the California Integrated Waste Management Board (CIWMB) for failure to comply with this law. The CIWMB encourages cities to adopt a Construction & Demolition (C&D) Materials Recycling Ordinance to improve recycling rates.

## DISCUSSION

CALGreen allows for either a 65% diversion requirement or the local requirements, whichever are more stringent. CALGreen's waste diversion requirement applies to projects that require a construction or building permit from a local agency. It also applies to residential additions and alteration of existing buildings where the building's conditioned area, volume, or size increases. The current C&D ordinance adopted by the City requires at least 50% of C&D debris to be recycled for existing buildings and at least 65% of the C&D debris to be recycled for new buildings. CALGreen applies the 65% diversion requirements for both new and existing buildings.

Additionally, the current ordinance was first administrated via the use of paper forms built into the consolidated CALGreen checklist used at the Building's front counter. Several disadvantages of that system were experienced by staff, including:

- Difficulty in reviewing the quantity of paperwork involved in reporting;
- Level of detail needed in forms added to form length;
- Some permit applicants required additional help on forms.
- Staff unable to assess meaningful penalty for non-compliance and unable to fully enforce Ordinance

## NEXT STEPS

Staff is working to bring an ordinance amendment related to Construction and Demolition Debris to comply with the regulations. Staff will present the ordinance and findings for City Council's review in Fall 2022. The proposed code updates would bring the City's ordinance into compliance with the California Green Building Code by requiring 65% diversion of all construction and demolition debris from the landfill, and by requiring that 100% of all rock, concrete, dirt, and vegetative debris from a project be recycled. This increase will likely have a minimal impact on construction projects, as many projects are already achieving these targets. Staff will also update the Waste Management Plan after the adopted of the updated C&D ordinance.

Additionally, Staff shall research automated tools to implement waste tracking. The automated tool will decrease staff time and resources and provide a more accurate estimate of waste generated. Most waste tracking applications have no cost for appliances to use the reporting system. The Waste Management Plan and automated tool would be integrated. Staff plans to submit an RFP for procurement by January 2023 after the ordinance adoption.

## QUESTION FOR CITY COUNCIL

1. Does the City Council have any comments or questions on Construction & Demolition compliance identified by staff?

**FISCAL IMPACT:** There is no fiscal impact.

**ENVIRONMENTAL IMPACT:** The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

**RECOMMENDATION:** Receive public comment and Council input on City's sustainability efforts

**ALTERNATIVES:**

The City Council has the following alternatives to consider:

1. Only adopt ordinances required for compliance
2. Provide staff with further direction on these issues

**ATTACHMENTS:** 1. Sustainability Work Plan

