

CITY OF SAN MATEO
RESOLUTION NO. ____ (2022)

A RESOLUTION OF THE CITY OF SAN MATEO ADOPTING EXPRESS FINDINGS FOR LOCAL SUSTAINABILITY-RELATED AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE, 2022 EDITION, RELATIVE TO LOCAL CLIMATIC, GEOGRAPHICAL, OR TOPOGRAPHICAL CONDITIONS

WHEREAS, the California Energy Code and Green Building Standards Code, 2022 Edition, have been released by the State and requires adoption by local jurisdictions; and

WHEREAS, the City of San Mateo's (City) Climate Action Plan recommended the City review local amendments to the California Energy Code and Green Building Standards Code to promote building electrification and electric vehicle adoption; and

WHEREAS, concurrent with this resolution, the City Council will adopt the Green Building Standards Code, 2022 Edition, by reference with local amendments to require enhanced electric vehicle charging infrastructure beyond state requirements, require all-electric new construction, and require electric-readiness and electric appliances during residential building remodels; and

WHEREAS, California Health and Safety Code Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 authorize the City to make local amendments to the provisions in the California Building Standards Code upon express findings that the local amendments are reasonably necessary due to local climatic, geographical, or topographical conditions; and

WHEREAS, the City Council has determined and finds that local amendments are needed and reasonably necessary because of local climatic, geological, or topographical conditions of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY FINDS that:

1. Adoption of this resolution adopting express findings in support of local amendments to the California Green Building Standards Code, 2022 Edition, is not subject to CEQA review because it is an action taken by a regulatory agency, as authorized by state ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. (CEQA Guidelines Section 15308.)
2. The City Council makes findings that local amendments to the California Green Building Standards Code, 2022 Edition, in Ordinance No. 2022-__ are reasonably necessary because of local climatic, geological and topographical conditions summarized in Exhibit A attached and incorporated to this resolution.

Exhibit A

Findings Supporting Local Amendments to the California Green Building Standards Code, 2022 Edition, Title 24, Part 11 of the California Code of Regulations

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code.

Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Local building regulations having the effect of amending the uniform codes, which were adopted by the City prior to November 23, 1970, were unaffected by the regulations of Sections 17958, 17958.5 and 17958.7 of the Health and Safety Code. Therefore, amendments to the uniform codes which were adopted by the City Council prior to November 23, 1970, and have been carried through from year to year without significant change, need no required findings. Also, amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

Code: California Green Building Standards Code					
Section(s)	Title	Add	Deleted	Amended	Justification (See below for Key)
202	Definitions			X	A, B, C, D
4.106.4	Electric vehicle (EV) charging for new construction			X	A, D
4.106.4.1	New one- and two-family dwellings and town-houses with attached private garages			X	A, D
4.106.4.2	New multifamily dwellings, hotels and motels and new residential parking facilities			X	A, D
4.106.4.3	Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings			X	A, D
4.106.4.4	Direct current fast charging stations	X			A, D
5.106.5.3	Electric vehicle (EV) charging			X	A, D
5.106.5.4	Electric vehicle (EV) charging: medium-duty and heavy-duty			X	A, D
4.106.5	All-electric buildings	X			A, B, C, D
5.106.13	All-electric buildings	X			A, B, C, D

Key:

A. Climatic

The local amendments are justified on the basis of a local climatic conditions in San Mateo. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk City homes and businesses, public facilities, and Highway 101 (Bayshore

Freeway), particularly the mapped Flood Hazard areas of the City. Electric vehicle charging infrastructure is a key component in reducing GHG emissions, and EV charging installations can help the City of San Mateo reduce its share of the GHG emissions that contribute to climate change. EV charging infrastructure will contribute to the reduction of GHG emissions by supporting the demand for EVs and the associated charging infrastructure. Furthermore, electricity will become cleaner over time as utilities achieve more stringent Renewable Portfolio Standard requirements and translate the clean energy benefits to electric vehicles.

Natural gas combustion and gas appliances emit a wide range of air pollutants, such as carbon monoxide (CO), nitrogen oxides (NO_x, including NO₂), particulate matter (PM), and formaldehyde, which according to a UCLA study, have been linked to various acute and chronic health effects, and additionally exceed levels set by national and California-based ambient air quality standards. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions. All-electric new buildings benefit the health, safety, and welfare of San Mateo residents. Requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in San Mateo.

B. Geological

The local amendments are justified on the basis of local geological conditions in San Mateo. Major faults cross through all nine Bay Area counties. The closest active faults in San Mateo are the San Andreas Fault located two miles west and the Hayward Fault, 14 miles east of San Mateo. A powerfully damaging earthquake similar to the 1906 earthquake or 1989 Loma Prieta earthquake is rare but likely to occur in the next 30 years. Smaller magnitude earthquakes are also likely to occur, potentially producing significant local damage. The reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.

C. Topographic

The local amendments are justified on the basis of local topographic conditions in San Mateo. The City of San Mateo topography includes areas that are subject to wildland type fires due to existing vegetation, particularly chaparral, the steep slopes, and the temperate climate with dry summer months. These wildland areas pose substantial risk to nearby residences and the natural environment. The elimination of natural gas infrastructure in new buildings and the transition to electric appliances in existing residential buildings would reduce fire hazards in buildings near highly combustible wildland areas.

D. Environmental

The local amendments improve the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The local amendments are consistent with the goals of the Green Building Code and help achieve the following goals:

- Reduce the use of natural gas in buildings which improves indoor environmental quality and health
- Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time;(d
- Promote the health and productivity of residents, workers, and visitors to the city
- Increase electric vehicle charging infrastructure to encourage electric vehicle adoption which in turn reduces greenhouse gas emissions and improves air quality