



CITY OF GLENDALE, CALIFORNIA
REPORT TO THE SUSTAINABILITY COMMISSION

AGENDA ITEM

Report: Building Electrification Update

1. Motion: The Sustainability Commission to provide comments and recommendations to City Council on new building electrification options proposed by Rincon Consultants, Inc.

COMMISSION/COMMITTEE ACTION

Item Type: Action Item

Approved for June 17, 2024 calendar

ADMINISTRATIVE ACTION

Submitted by:
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Prepared by:
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RECOMMENDATION

That the Sustainability Commission provide comments and recommendations to the City Council on the new building electrification options proposed by Rincon Consultants, Inc.

BACKGROUND/ANALYSIS

In 2022, the City of Glendale hired Rincon Consultants to develop building electrification, photovoltaic (PV), and electric vehicle (EV) charging Reach Codes, which were adopted through a local amendment to the 2022 California Building and Energy Code.

The reach codes required the following:

1. Building Electrification: Require all new construction (including standalone accessory dwelling units (ADUs)) to be all-electric with limited exemptions and subject to an infeasibility waiver.
2. PV Infrastructure: Require non-residential and multifamily PV systems to be installed on all new buildings to offset 100 percent of projected electricity use or cover at least 50 percent of rooftop space and include an infeasibility waiver for projects unable to meet the requirement due to shading or other technical constraints.
3. EV Charging Infrastructure: Require EV charging infrastructure for new single and multifamily dwellings, townhouses with attached private garages, new construction multifamily dwellings with residential parking facilities, and new non-residential construction, with limited exceptions and subject to an infeasibility waiver.

At the November 1, 2022, City Council meeting, the ordinance was introduced with modifications to specific definitions and the EV infeasibility waiver process; the Reach Code ordinance was subsequently adopted on November 15, 2022.

In 2019, the California Restaurant Association (CRA) sued the City of Berkeley regarding their ordinance banning fuel gas piping in new buildings. A three-judge panel of the federal appeals court struck down Berkeley's ordinance in April, agreeing with California restaurant owners that the city overstepped the federal Energy and Policy Conservation Act when it passed the ban in 2019. Berkeley had the option to seek rehearing either by the three-judge panel that heard the case or en-banc rehearing by 11 Ninth Circuit judges.

In 2024, the 9th Circuit declined to reconsider the decision rejecting the Berkeley, California, natural gas ban. As a result of this decision, a number of Cities that had

natural gas bans or ordinances for new construction either halted the enforcement of the ordinance, considered alternatives or continued with enforcement. As a result of the ruling, the City of Glendale asked Rincon Consultants to prepare a memorandum outlining options that the City may pursue as an alternative to the City's current building electrification ordinance.

In summary, Rincon Consultants provided three options the City can pursue for New Buildings, which are:

New Building Electrification Options:

1. *Gas Ban Through a Local Amendment to the Building Code – High-Risk*

The City of Glendale may continue implementing the building electrification ordinance. Implementing these codes, especially in the short term, would limit new gas infrastructure but carries risk of potential challenge.

2. *Air Quality Ordinance – Untested*

Both the federal Clean Air Act and the California Clean Air Act establish targets for cities and counties to meet to reach attainment in criteria pollutants. Under the California Clean Air Act, cities and counties can implement local control measures to improve air quality in their region. As the South Coast Air Quality Management District (SCAQMD) noted, "Local governments have the flexibility to address air quality issues through ordinances, local circulation systems, transportation services, and land use. No other level of government has that authority, including the AQMD. Several cities in California have adopted air quality standards that address NOx emissions, including Los Altos Hills, which has adopted a zero NOx requirement for space and water heating. This is ahead of the Bay Area Air Quality Management District Rules 9-6 and 9-4, which will also set a zero NOx standard beginning in 2027 for water heaters and 2029 for space heating. Whether new local air quality regulation may be preempted by state or federal law will not be known until Glendale crafts a local ordinance. California is allowed to request waivers from the federal Clean Air Act to enforce its own standards. For example, the U.S. Court of Appeals in *Ohio v EPA* recently (April 2024) upheld California's Clean Air Act waiver allowing California to set zero-emission vehicle sales requirements.

3. *Single Margin Source Energy Code Amendment – Lowest Risk*

Cities in California can adopt local amendments to the energy code (Title 24), within certain limits, including where, as in the Berkeley case, such amendments may be preempted by the federal EPCA. One of the areas where cities can adopt

more stringent requirements is under the source energy rating (EDR1 for single-family), which is an energy performance metric. The key to this approach is that one margin, or metric, is established for all energy types. This approach does not specify one kind of energy (gas vs. electric) and is considered EPCA compliant. Because all electric buildings meet a much lower source energy rating than mixed fuel buildings, the EDR score can be reduced to a level where gas buildings must complete additional (yet cost-effective) energy efficiency actions such as larger solar arrays, battery storage, insulation, and other design strategies. This effectively increases the cost of building with gas compared to all-electric, without an outright prohibition on natural gas.

The full report outlining the electrification options discussed above is attached as Exhibit 1 of this report.

Next Steps:

Staff will prepare a report for the City Council on the new building electrification options presented by Rincon Consultants to obtain direction from the Council on whether to replace or continue with the current Building Electrification Reach Code.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ALTERNATIVES

1. Not provide comments or recommendations to the City Council on the Rincon report.

EXHIBITS

1. Rincon Report on Building Electrification Post Berkeley