



P.O. Box 5006  
Fremont, CA 94537-5006

## **Environmental Sustainability Commission Regular Meeting Agenda and Report – September 5, 2019**

### **General Order of Business**

1. Call to Order - 4:00 p.m.
2. Roll Call
3. Written and Oral Communications
4. Approval of Minutes/Agenda Review
5. Staff Presentations and Action Items
6. Adjournment

### **Order of Discussion**

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Environmental Sustainability Commission (ESC) questions or inquiries. An authorized representative or interested citizen may then speak on the item. At the close of public discussion, the item will be considered by the ESC and action taken.

### **Addressing the Environmental Sustainability Commission**

Any person may speak on any item under discussion by the ESC after receiving recognition from the Chair. When addressing the ESC, please state your name and address. In order to insure all persons have the opportunity to speak, a time limit may be set by the Chair for each speaker. In the interest of time, please limit your comments to new material; do not repeat what a prior speaker has said.

### **Oral Communications**

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under the Oral Communications section. Please be aware provisions of the California Government Code Section 54954.2(b) prohibit the ESC from taking any immediate action on an item, which does not appear on the agenda, unless it meets stringent requirements. The Chair may limit the length of your presentation.

For agenda copies or information about the City or items scheduled on the Agenda and Report refer to: Community Development Department, P.O. Box 5006, Fremont, CA 94537-5006, phone (510) 494-4557.

**Environmental Sustainability Commission:****City Staff**

Shreya Ramachandran, Student Commissioner  
 Paul Kelley, Business Community  
 John Rennels, Development/Construction Industry  
 Richard Godfrey, Environmental Organization (Chair)  
 Shiva Swaminathan, Public At Large  
 Carolyn Obata, Public At Large  
 Daniel O'Donnell, Public At Large (Vice Chair)  
 Nate Ivy, FUSD Representative

Dan Schoenholz, Director,  
 Community Development  
 Rachel DiFranco, Sustainability Manager,  
 Community Development  
 Maria Salinas, Comm. Dev. Services Supervisor,  
 Community Development  
 Margaux Juta, Senior Office Specialist,  
 Community Development

**AGENDA  
 FREMONT ENVIRONMENTAL SUSTAINABILITY  
 COMMISSION (ESC)  
 REGULAR MEETING  
 September 5, 2019, 4:00 p.m.**

**Niles Room, Development Services Center  
 39550 Liberty Street, Fremont, CA 94538**

1. **Call to order** (*Chair Godfrey*)
2. **Roll call and introduction of staff** (5 min)
3. **Oral and written communications** (5 min)
4. **Approval of minutes** ([June 3, 2019](#)) and review of agenda (5 min)
5. **Scheduled Items**
  - 5.1 **Staff Updates** (20 min)

Staff will provide updates on various City sustainability efforts, including:

- Bikeshare rollout
- Urban forestry grant update
- New residential collection cart rollout
- SunShares Program update
- Solar Homes Tour on Saturday, Oct 5
- Niles Canyon Stroll & Roll on Sunday, Sept 22
- CAP Update survey
- Next steps for CAP update process

**5.2 Commissioner Announcements (10 min)**

This is an opportunity for Commission members to make announcements on matters of interest to the Commission as a whole.

**5.3 Review of 2019 Building Code Sustainability Opportunities (75 min)**

**BACKGROUND:**

The California Building Code (Title 24 of California Code of Regulations) is updated in three year cycles. Local jurisdictions must adopt the California Building Code in its entirety as municipal code. Jurisdictions are prohibited from making local amendments to the code that would be *less* restrictive than the state code, but they can make revisions that are *more* restrictive so long as that jurisdiction finds that those amendments are reasonably necessary due to local climatic, topographical, or geological conditions, including environmental conditions established by the city or county.

The current code version is the 2016 California Building Code, and will be replaced with the 2019 Building Code effective January 1, 2020. The final version of the 2019 California Building Code is now available for local jurisdictions to review, amend, and adopt. In Fremont, the Building and Fire Departments will recommend the 2019 Building Code (with amendments and/or revisions) to City Council, with a first reading tentatively scheduled for late September or early October and a second reading to occur no later than November. Local amendments to the building code can be made at the time of adoption, or can be made at a later date through a city ordinance.

The City of Fremont may wish to consider measures go beyond the minimum standards found in the 2019 California Building Code by adopting “reach codes” as they relate to relevant sections of the building code. Of particular interest to the Commission are the Energy Code (Title 24, Part 6) and the Green Building Code (Title 24, Part 11).

In order for the Commission to further understand the opportunities available, staff will:

- 1) provide an overview of the requirements under the 2016 California Building Code, including energy and green building reach code measures adopted by the City of Fremont;
- 2) review the updated requirements under the upcoming 2019 California Building Code; and
- 3) highlight opportunities where the City may want to consider adopting reach codes.

Through this discussion, the Commission will discuss sustainability options under the 2019 California Building Code, prioritizing specific reach code opportunities that it would like staff to provide further analysis on. Based on these priorities, staff will then prepare the subsequent Commission meeting agenda with proposed options that the Commission could then vote on to make a formal recommendation to City Council.

Before any sustainability-related reach codes could be enforced, they must be filed with the Building Standards Commission (BSC) along with an adopted resolution finding that those measures are reasonably necessary due to local climatic, topographical, or geological conditions. Furthermore, reach codes specific to the Energy Code must also demonstrate “cost-effectiveness”, i.e. that the lifetime cost of those measures are less than the anticipated lifetime savings. In order to determine cost-effectiveness, a study must accompany any proposed Energy Code amendments, and those amendments must additionally be reviewed by the California Energy Commission (CEC) prior to local implementation. The CEC review process includes a 15 to 60 day public comment period prior to bringing the item to its Board for approval. Only after Board approval can a local jurisdiction enforce Energy Code amendments.

Due to the timing of the Building Code adoption process, the Commission may wish to schedule a Special Meeting prior to the next Regular Meeting in December to make its formal recommendation to City Council. This would allow for any energy and green building recommendations made by the Commission to be considered by Council on a timeline as close to 2019 California Building Code adoption process as possible. Even with an expedited process, however, staff believes that given the complexity of the codes and the state requirements for adoption, any local amendments recommended by the Commission will not likely be enforceable until several months beyond the effective date of the new Building Code.

**RECOMMENDATION:** Receive and consider.

6. **Adjourn**