

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED FOR ADOPTION OF
MODIFICATIONS TO THE 2022 CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, scientific evidence has established that greenhouse gas (“GHG”) accumulation in the atmosphere as the result of human activity is the primary cause of the global climate crisis; and

WHEREAS, on September 8, 2016, California Governor Jerry Brown signed Senate Bill 32 (Pavley), setting a statewide greenhouse gas (GHG) reduction target of 40% below 1990 levels by 2030; and

WHEREAS, on September 18, 2018, California Governor Jerry Brown signed Executive Order B-55-18, committing California to achieving carbon neutrality no later than 2045, and achieving and maintaining net negative emissions thereafter; and

WHEREAS, on January 15, 2019, the Hayward City Council unanimously approved a resolution endorsing the declaration of a climate emergency. The Declaration states that climate change threatens our community, as well as cities across the globe, and requests regional collaboration in restoring a safe concentration of GHG in our atmosphere; and

WHEREAS, in June 2020, the Hayward City Council adopted goals to reduce GHG emissions by 30% below 2005 baseline levels by 2025, 55% by 2030, and to work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045; and

WHEREAS, the City of Hayward targets utilize a baseline different from the State of California’s but Hayward’s GHG reduction targets are equivalent to the State’s; and

WHEREAS, according to Hayward’s 2022 community-wide GHG inventory, transportation accounts for approximately 57 percent of total GHG emissions; and

WHEREAS, on January 30, 2024, the Hayward City Council adopted an updated Climate Action Plan as an amendment to the 2040 General Plan; and

WHEREAS, Hayward’s Climate Action Plan calls for continued enforcement of the Electric Vehicle (EV) Charging Reach Code requiring electric vehicle charging infrastructure above and beyond that required by the California Green Building Standards Code (CalGreen); and

WHEREAS, various state orders and statutes are targeted to reduction of greenhouse gas emissions including Executive Order N-79-20 and the Advanced Clean Cars II program which prohibits the sale of internal combustion passenger vehicles beyond 2035, and the California Green Building Standards Code which contains mandatory green building provisions including EV charging infrastructure; and

WHEREAS, California Health and Safety Code section 17958 requires that cities adopt building regulations that are substantially the same as those adopted by the California Building Standards Commission and contained in the California Building Standards; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 provide that the City may make changes or modifications to the building standards contained in the California Building Standards based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Green Building Standards Code Section 101.7.1 provides that local climatic, geological, or topographical conditions include environmental conditions established by a city, county, or city and county through findings; and

WHEREAS, Hayward's current Reach Code, Ordinance 23-06, was adopted by the City Council on June 6, 2023; and

WHEREAS, the accompanying ordinance amends Hayward's Reach Code, which requires electric vehicle charging infrastructure for residential and nonresidential properties, by amending the City's Off-Street Parking Regulations (Chapter 10, Article 2) of the Hayward Municipal Code; and

WHEREAS, the Hayward community has access to 100% renewable, carbon-free electricity procured by Ava Community Energy; and

WHEREAS, the provisions of this chapter are necessary to reduce the emissions of GHGs within the City with the intent to reduce the City's contributions to climate change and in turn reduce the impacts of climate change both locally and globally; and

WHEREAS, the City Council of the City of Hayward finds that each of the amendments, additions and deletions to the 2022 California Building Standards Code contained in the accompanying ordinance are reasonably necessary because of local climatic, geological or topographical conditions described in Section 1.

NOW, THEREFORE, BE IT RESOLVED that the aforementioned amendments to the *2022 California Building Standards Code*, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted.

SECTION 1: FINDINGS AND DETERMINATIONS.

The following local climatic, conditions justify modifications to the California Building Standards Code.

1. The City of Hayward is already experiencing the repercussions of excessive greenhouse gas emissions including increased temperatures and more extreme weather events, decreased precipitation, and increased wildfire risk.
2. Portions of the City of Hayward are situated along a wildland-urban interface and are extremely vulnerable to wildfires, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons—all of which contribute to the likelihood and consequences of fire.
3. Marginalized communities in the City of Hayward and worldwide—including people of color, immigrants, indigenous communities, low-income people, those with disabilities, and the unhoused—are already disproportionately affected by climate change and are especially vulnerable to heat events.
4. City of Hayward residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by the combustion of fossil fuels.
5. Local conditions have a definite impact upon buildings in Hayward. Therefore, it is found to be reasonably necessary that the 2022 California Building Standards Code be changed or modified to mitigate the effects of the above conditions.

SECTION 2. CEQA Finding.

The City Council finds that this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action

