

PUBLIC HEARING

AMENDMENT TO MUNICIPAL CODE, CHAPTER 15.04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO
AMENDING CHAPTER 15.04 OF THE SAN PABLO MUNICIPAL CODE BY
DELETING SECTION 15.04.020.D. IN ITS ENTIRETY

CITY COUNCIL MEETING

APRIL 6, 2026



BACKGROUND

1. Ordinance 2023-001, amending Chapter 15.04 of the San Pablo Municipal Code, adopting by reference and amending Title 24, Part 6, the 2022 California Energy Code, along with other codes in the California Building Code series and International Property Maintenance Code was adopted on January 17, 2023.
2. On April 17, 2023, In *California Restaurant Association v. City of Berkeley*, the Ninth Circuit Court of Appeals held that an amendment to the City of Berkeley's building code that banned gas infrastructure in new buildings, except under narrow circumstances, was preempted by the Energy Policy and Conservation Act.



BACKGROUND (CONT.)

3. City staff determined that some portions of the City's building code adoption would also be preempted. Consequently, the City ceased any implementation or enforcement of this portion of the California Energy Code.
4. On January 20, 2026, the City of San Pablo adopted Ordinance 2025-006 to amend Chapter 15.04 to adopt the 2025 California Building Code series and the 2024 International Property Maintenance Code.
5. No additional amendments, additions and deletions to Title 24, Part 6, the California Energy Code, under Section 15.04.020.D. were made at that time.



SUMMARY OF CHANGES

- ❖ The amendment involves the removal of Section 15.04.020(D) in its entirety.
- ❖ The amendment will result in no change to the City's current practice of building code administration as the subject provision has not been enforced by the City since the 2023 federal court decision.



PUBLIC HEARING NOTICE

- ❖ Public hearing notice published in the West County Times (West Contra Costa edition of East Bay Times) newspaper on **Tuesday, March 17, 2026.**



CITY OF SAN PABLO

City of New Directions

ENVIRONMENTAL DOCUMENTATION

This proposed action is not a project as defined by the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15378(B)(5): organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment, and is also exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) (i.e., the “common sense” exemption) in that it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment because it involves removal of regulatory provisions that are not currently being enforced by the City of San Pablo and does not authorize or result in any physical changes to the environment.



STAFF RECOMMENDATION

- ❖ Review proposed amendment, as set forth in proposed Text Amendment and summarized in the Staff Report
- ❖ Conduct a Public Hearing
- ❖ Waive the reading of the Ordinance and read by title only; and introduce the attached Ordinance including any further revisions.
- ❖ Unless there is an objection from the City Council, the Ordinance as introduced will be placed on the consent calendar at a future meeting for adoption (second reading).



CITYof **SAN PABLO**
City of New Directions

QUESTIONS?