

DOCKETED

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CITY OF HEALDSBURG

ORDINANCE NO. 1196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HEALDSBURG AMENDING TITLE 15 CONSTRUCTION
CODES CHAPTER 15.04 OF THE HEALDSBURG MUNICIPAL
CODE TO ADOPT A LOCAL REACH CODE

WHEREAS, greenhouse gas accumulation in the atmosphere as the result of human activity is the primary cause of the global climate crisis; and

WHEREAS, the State of California enacted Senate Bill (SB) 32 to require greenhouse gas emissions to be reduced to 40 percent below 1990 levels by 2030 and Governor Brown issued Executive Order B-55-18 establishing a statewide target of carbon neutrality by 2045; and

WHEREAS, on October 7, 2019, the City Council of the City of Healdsburg passed Resolution No. 120-2019 declaring a climate emergency, and joins a nationwide call for a just transition away from fossil fuels; and

WHEREAS, on October 21, 2019, the City Council of the City of Healdsburg reviewed and considered Reach Code options and provided direction to staff to proceed in development of an all-electric Reach Code with exceptions; and

WHEREAS, in order to achieve carbon neutrality, the burning of fossil fuels new sources of greenhouse gas emissions must be substantially reduced or eliminated; and

WHEREAS, the California Building Standards Code, Title 24 of the California Code of Regulations, is updated every three years by the California Energy Commission (CEC) and the California Building Standards Commission (CBSC), and the most recent edition was published July 1, 2019, and will be effective throughout California January 1, 2020; and

WHEREAS, Part 6 of Title 24, called the California Energy Code, establishes energy standards for all buildings constructed in California; and

WHEREAS, in addition to enforcing the Title 24 standards, local jurisdictions are authorized by Health & Safety Code sections 18941.5, 17958.5, and 17958.7 to adopt local ordinances that change or are more restrictive than the minimum standards defined by Title 24 when deemed reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, the City Council of the City of Healdsburg finds that each of the amendments, additions and deletions to the California Energy Code contained in this Ordinance are reasonably necessary because of the local climatic and geologic conditions described in Section 2; and

WHEREAS, local governments may adopt energy conservation or energy insulation standards that differ from the California Energy Code with California Energy Commission approval, provided that local governments demonstrate, pursuant to Public Resources Code Section 25402.1(h)(2), that the requirements of their proposed standards are cost effective and do not result in buildings that consume more energy than is permitted by Title 24; and

WHEREAS, the California Codes and Standards Reach Code Program has identified specific modifications to the 2019 State Energy Code for each climate zone that are cost effective; and

WHEREAS, the City of Healdsburg, through TRC Advanced Energy, has performed an additional cost effectiveness analysis, as required by the California Energy Commission for the local amendments to the California Energy Code contained in this Ordinance, which analysis is available and on file with the City Clerk and has been considered by the City Council in connection with the adoption of this Ordinance, and

WHEREAS, based upon these analyses, the local amendments to the California Energy Code contained in this ordinance are cost effective and will require buildings to be designed to consume no more energy than permitted by the California Energy Code.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Healdsburg ordains as follows:

SECTION 1: PURPOSE

The purpose of this chapter is to modify the applicable provisions of the 2019 State Energy Code (Title 24, Part 6) of the California Code of Regulations that apply to newly constructed buildings, and to enhance long-term public health and welfare by contributing to the overall reduction greenhouse gas emissions associated with natural gas transport and combustion. The energy standard provisions referenced in this chapter are designed to achieve the following objectives:

- (1) Reduce consumption of natural gas in the City of Healdsburg;
- (2) Reduce the risks associated with transporting natural gas in City of Healdsburg;
- (3) Reduce greenhouse gas emissions associated with use of natural gas;
- (4) Improve indoor air quality and occupant health;
- (5) Ensure that newly constructed buildings meet the efficiency standards for electric construction set forth in the state energy codes.

SECTION 2. FINDINGS

The City of Healdsburg incorporates the findings above by reference and adopts these additional findings.

1. Human activities, such as burning natural gas to heat buildings, releases greenhouse gases into the atmosphere and causes an overall increase in global average temperature. An increase in global average temperatures causes more extreme and frequent weather events. Reducing the number of gas fueled appliances will reduce the amount of natural gas that is burned, thus reducing the amount of greenhouse gases emitted into the atmosphere.
2. The City is in Climate Zone 2 as established in the 2019 California Energy Code. The City, on average, experiences an approximate annual rainfall of 40 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding, erosion and contributes to slope instability. Severe flooding events have already resulted in damage to City infrastructure including significant flooding in downtown in December 2014 and flooding of the wastewater treatment plant in February 2019.
3. The City of Healdsburg is prone to drought conditions in which extended periods of time with little to no precipitation has led to decline in available water supplies. The most recent drought in California lasted from 2011 to 2017 causing Healdsburg to pass mandatory water conservation measures through January 2017. Droughts may dry out wildland vegetation, potentially increasing the risk of wildfire.
4. The City of Healdsburg is subject to ground tremors from seismic events, as the City is located in an active seismic area, near the Rodgers Creek, Maacama, and San Andreas fault lines, where there is a high risk of earthquakes. The elimination of natural gas appliances in new dwellings would reduce the hazards associated with gas leaks during seismic events.
5. The City of Healdsburg is situated along a wildland-urban interface and has moderate to high wildfire hazard severity zones surrounding the City limits and is extremely vulnerable to wildfires and firestorms. Human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, dry vegetative fuel, and length of fire seasons—all of which contribute to the likelihood and consequences of wildfire. Healdsburg experienced threatening fires during the 2017 Pocket and Tubbs Fire and 2019 Kincade Fire.

These climatic and geologic conditions, along with the greenhouse emissions generated from structures in both the residential and nonresidential sectors, requires local amendments to the

energy standards for building construction established in the 2019 California Buildings Standards Code.

SECTION 3: APPLICABILITY

The provisions of this chapter shall apply to all construction projects defined below as a “newly constructed buildings.”

SECTION 4: CODE AMENDMENTS

Chapter 15.04, “Construction Codes” is hereby amended to read as follows (additions by the City are underlined):

Section 15.04.080 California Energy Code amendments.

Subchapter 1, Section 100.0(e)2A – Scope, is amended to read as follows:

2. Newly constructed buildings.

A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be All-Electric Buildings as defined in Section 100.1(b).

Exception 1: All newly constructed buildings may contain natural gas cooking appliances, direct vent, sealed-combustion type fireplace, and pool/spa systems and equipment .

Exception 2: Dwelling units, accessory, that are attached to the primary dwelling unit

Conditional Exception 3: Exception for Essential Service buildings and public facilities where natural gas is necessary to meet the requirements of other permitting agencies or is demonstrated to be necessary for the purpose of protecting public health, safety and welfare. Applicant must provide third party verification that the electric requirement is not cost effective and is not feasible.

Conditional Exception 4: Non-residential buildings may apply to the Utility Director for an exception to install gas-fueled appliances.

The Utility Director shall grant this exception if they find one or more the following:

1. There is a business-related necessity to use a natural gas fuel source;
2. There is a prove need for a natural gas appliance due to public health or public safety reasons;
3. This need cannot be reasonably achieved with an electric fuel source compliance with the pre-wiring requirements of Note 1 is feasible for the appliance subject to the requested exception.

The applicant may appeal the Utility Director's decision pursuant to the appeal procedure in Chapter 2.36 of the Healdsburg Municipal Code.

Note 1: If natural gas appliances are used pursuant to any of the above exceptions, natural gas appliance locations must be electrically pre-wired for future electric appliance installation as technically feasible. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;
2. Both ends and along exposed portions of the unused conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;
3. A reserved circuit breaker space shall be maintained in the electrical panel for the branch circuit and appropriately labeled for each circuit, an example is as follows (i.e "For Future Electric Range;") and
4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If any of the above exceptions are granted, the Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

Subchapter 1, Section 100.1(b) is modified by adding the following definitions:

ALL ELECTRIC BUILDING: is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space

heating, water heating, cooking appliances, clothes drying appliances, and decorative appliances. All Electric Buildings may include solar thermal pool heating.

DWELLING UNIT ACCESSORY: As defined in Section 20.28.310 of the Healdsburg Municipal Code.

Subchapter 2, Section 110.2 – Mandatory Requirements for Space-Conditioning Equipment, is modified as follows:

Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

Subchapter 2, Section 110.3 – Mandatory Requirements for Service Water-Heating Systems and Equipment, is modified as follows:

Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

Subchapter 2, Section 110.5 – Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited, is modified as follows:

Any natural gas system or equipment, meeting the requirements of Section 100.0 (e)2A, listed below may be installed only if it does not have a continuously burning pilot light:

SECTION 3: ENVIRONMENTAL COMPLIANCE

The City Council finds, pursuant to the California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3), that this ordinance is exempt from the requirements of CEQA on the grounds that these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment. This ordinance is also exempt under CEQA Guidelines Section 15308 on the grounds that the City, as a regulatory agency, is authorized to amend the Energy Code and Green Building Standards Code. This ordinance assures the maintenance and protection of the environment by amending the Energy Code and Green Building Standards Code to impose more stringent energy efficiency requirements for future building.

SECTION 4: SEVERABILITY.

If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall become effective following approval by the California Energy Commission, but in no event before January 1, 2020.

SECTION 6: POSTING.

Before the expiration of fifteen (15) days after its adoption, this ordinance, or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the 2nd day of December 2019, and PASSED and APPROVED on the 16th day of December 2019, at a regular meeting, by the following vote:


AYES: Councilmembers: (5) Gold, McCaffery, Mitchell, Naujokas and Mayor Hagele

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

APPROVED:



David L. Hagele, Mayor

ATTEST:



Stephanie A. Williams, City Clerk