

DOCKETED

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Project Title:	Local Ordinances Exceeding the 2019 Energy Code
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ORDINANCE NO. C-2021-05

ORDINANCE REPEALING SECTIONS 14.04.040 (ENERGY CODE) AND 14.04.120 (GREEN BUILDING STANDARDS CODE) OF THE HALF MOON BAY MUNICIPAL CODE AND ADOPTING NEW SECTIONS 14.04.04 AND 14.04.120

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City of Half Moon Bay hereby repeals and replaces Section 14.04.040 (“Energy Code”) and Section 14.04.120 (“Green Building Standards Code”) of the Half Moon Bay Municipal Code. The City Council finds and declares as follows:

(a) Health and Safety Code Section 18941.5, with reference to Section 17958.7, allows for more restrictive local amendments to the current California Building Standards Code (“Building Codes”) that are reasonably necessary because of local climatic, geological, or topographical conditions.

(b) The Half Moon Bay City Council expressly declares that these proposed amendments to the Building Codes are reasonably necessary because of local climatic, topographical, and geological conditions, and hereby adopts the findings of reasonable necessity as set forth in Attachment A accompanying this ordinance.

(c) Express findings that these modifications to the Building Codes are reasonably necessary are hereby made and will be filed with the California Building Standards Commission in accordance with California Health and Safety Code Section 17958.7 before this ordinance takes effect.

(d) Failure to address and significantly reduce greenhouse gas emissions could result in rises in sea level that could put at risk Half Moon Bay homes and businesses, public facilities, and portions of major local and regional transportation infrastructure.

(e) Due to changes in rainfall patterns expected with climate change, the City of Half Moon Bay is likely to be subject to more severe weather events, including droughts as well as more intense storms that increase the risks of, and have actually resulted in, extreme wildfires, erosion, overland local flooding and landslides.

(f) It is expected that climate change will result in further severe and frequent extreme heat events, intensifying local heat islands and putting vulnerable populations at health risk, which has already occurred at unprecedented levels with sea level rise and widespread wildfires in the area.

(g) In 2016, 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.

(h) In 2018, Governor Brown signed Executive Order (EO) B-55-18 which calls for California to achieve carbon neutrality as soon as possible, and no later than 2045.

(i) The City of Half Moon Bay is preparing its Climate Action and Adaptation Plan to, at minimum meet State emissions goals established in SB32 and EO B-55-18.

(j) On February 2, 2021, the City Council conducted a study session on reach codes and directed staff to prepare a draft building electrification ordinance including measures to expand the requirements for photovoltaic system and electric vehicle charging systems in new construction for consideration by the community and City Council.

(k) The requirements specified in this Ordinance were the subject of stakeholder outreach from June through September 2021, including public meetings and individual stakeholder interviews.

(l) On September 25 and October 5, 2021, the City Council conducted additional study sessions to provide policy guidance on the draft Building Electrification ordinance, which included measures to increase photovoltaic panel and electric vehicle systems in new construction.

(m) Half Moon Bay can help lead the climate change movement by implementing climate solutions to benefit all people in our community, particularly those that have been disadvantaged by air pollution and other environmental harms in our most vulnerable communities.

(n) A "Reach Code Cost Effectiveness Study" dated July 25, 2019, and prepared for Southern California Edison Company, Codes and Standards Program analyzed the feasibility and cost-effectiveness of requiring nonresidential new construction to exceed the 2019 Building Energy Efficiency Standards (a copy of the Study is on file with the Department of Environmental Services).

(o) A "Reach Code Cost Effectiveness Study" dated August 1, 2019, and prepared for Pacific Gas and Electric Company, Codes and Standards Program analyzed the feasibility and cost-effectiveness of requiring low-rise residential new construction to exceed the 2019 Building Energy Efficiency Standards (a copy of the Study is on file with the Department of Environmental Services).

(p) Said Cost Effectiveness Studies evaluated efficiency packages for 16 different climate zones and determined that the energy efficiency standards in this Ordinance meet the Study's cost-effectiveness standards for climate zone 3, which includes Half Moon Bay.

(q) The City Council finds that the additions, deletions, modifications and amendments made to the Energy Code as described herein are cost-effective in accordance with California Public Resources Code section 25402.1(h)(2). The finding of cost-effectiveness is described in

greater detail in the Staff Report and the accompanying analyses, and is primarily derived from the California Codes and Standards Reach Code Program, which has determined specific modifications to the 2019 State Energy Code for climate zone 3 that are cost-effective. The City Council also finds, pursuant to Public Resources Code Section 25402.1(h)(2), that the additions, deletions, modifications and amendments to the Energy Code as described herein will require the diminution of energy consumption levels permitted by the 2019 State Energy Code. The City Council's findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24 Chapter 10-106 before this ordinance takes effect.

Section 2. Municipal Code Amendments. Sections 14.04.040 and 14.04.120 of the Half Moon Bay Municipal Code are hereby repealed in their entirety and replaced with new Sections 14.04.040 and 14.04.120, which are adopted as set forth in Attachment B. Attachment B of this Ordinance is incorporated herein in its entirety.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. California Environmental Quality Act. The City Council finds that this Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) on the grounds that the standards contained therein are more stringent than those set forth in the State Energy Code and Green Building Standards Code, and as a result there are no reasonably foreseeable adverse impacts or possibility that the activity in question may have a significant effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

Section 5. Publication. The City Clerk shall publish a summary of this Ordinance in a newspaper of general circulation for the City of Half Moon Bay within fifteen days after its adoption.

Section 6. Effective date. This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage and upon approval by the California Energy Commission.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 7th day of December 2021.

ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 21st day of December, 2021, by the following vote:

Ayes, Councilmembers: Brownstone, Jimenez, Rarback, Penrose, and Ruddock

Noes, Councilmembers:

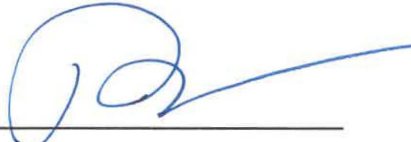
Absent, Councilmembers:

Abstain, Councilmembers:

ATTEST:



Jessica Blair, City Clerk



Debbie Ruddock, Mayor