

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	231284-4
<b>Document Title:</b>	Town of Windsor Att 3 2019-338 Amending Municipal Code Title VII to add Chapter 7 All-Electric Residential Reach Code
<b>Description:</b>	N/A
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**ORDINANCE NO. 2019-338**

**AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING WINDSOR MUNICIPAL CODE TITLE VII, "BUILDING AND HOUSING," TO ADD CHAPTER 7, "ALL-ELECTRIC RESIDENTIAL REACH CODE"**

**WHEREAS**, the Town of Windsor adopted policies as part of a comprehensive update to its General Plan (Town of Windsor 2040 General Plan) calling for the Town to strive to meet State goals for "Zero Net Energy" in all new residential construction by year 2020; and

**WHEREAS**, one tool for achieving Zero Net Energy use is adoption of an "all-electric" energy code requirement as part of the Town's Municipal Code and Building Code for new construction of homes and apartment units; and

**WHEREAS**, California cities, towns, and counties have the authority to adopt local energy ordinances and all-electric "reach codes" that are more stringent than the minimum standards defined by Title 24, Part 6 of the state's Building Code; and

**WHEREAS**, on April 17, 2019, the Town Council received a presentation from Sonoma Clean Power on implementation of an all-electric reach code as part of the adoption of the Town's adoption of the 2019 California Building Code, received public comment, and directed staff to hold community meetings to provide information to and receive comments from stakeholders and interested parties; and

**WHEREAS**, the Town held a community meeting on June 21, 2019 that included a presentation on all-electric codes and provided an opportunity for discussion, questions, and comments; and

**WHEREAS**, North Coast Builders Exchange held a workshop on the 2019 Building Code update and all-electric codes for developers, builders, and the mechanical, electrical, and plumbing codes, which was attended by Town staff, developers, builders; and

**WHEREAS**, the Town Council held a noticed public meeting on August 21, 2019, to receive a report on the outcome of the community meetings for an all-electric residential reach code, consider options for its implementation, and provide direction to staff; and

**WHEREAS**, at the August 21, 2019 public meeting, after receiving the report and public comment and considering the options for implementation of an all-electric reach code for new residential construction, the Town Council voted to direct staff to move forward with preparing and introducing such a reach code for Town adoption; and

**WHEREAS**, this Ordinance would require new low-rise residential buildings to be designed and constructed to exceed the minimum energy efficiency standards set forth in the state Building Code; and

**WHEREAS**, local agencies that adopt energy standards which exceed minimum Building Energy Efficiency Standards must demonstrate that the requirements of the proposed ordinance

are cost effective and do not result in buildings consuming more energy than is permitted by Title 24; and

**WHEREAS**, the 2019 Cost Effectiveness Study: Low-Rise Residential New Construction dated July 17, 2019 (Study) was prepared for the Statewide Code and Standards Program by Frontier Energy, Inc. and Misti Bruceri and Associates, LLC analyzed the feasibility and cost effectiveness of requiring new low-rise residential construction to be all-electric (a copy of the Study is on file with the Community Development Department); and

**WHEREAS**, the Study evaluated the efficiency of all-electric new low-rise residential buildings for 16 different climate zones in California; and

**WHEREAS**, the Town of Windsor is located in climate zone 2 of the Study and the Study determined that the efficiency standards in this ordinance will meet the Study’s cost-effectiveness requirements in climate zone 2, and, therefore in Windsor; and

**WHEREAS**, energy efficiency enhances the public health and welfare by promoting the environmental and economic health of the Town through the design, construction, maintenance, operation of buildings and sites by incorporating green practices into all new, low-rise residential development; and

**WHEREAS**, the provisions in this Ordinance are designed to reduce greenhouse gas emissions; increase resource conservation; provide durable and sustainable buildings that are efficient and economical to own and operate; promote the health and productivity of residents, workers, and visitors to the Town recognize and conserve the energy and reduce the environmental footprint of new developments; and reduce disturbance of natural ecosystems; and

**WHEREAS**, adoption of an all-electric residential reach code as part of the 2019 California Building Code is consistent with and would advance goals and policies contained in the Town’s 2040 General Plan related to climate change, greenhouse gas reductions, and public health and safety; and

**WHEREAS**, the Town also intends in the near future to amend the California Energy Code, 2019 Edition, Title 24, Part 6 of the California Code of Regulations to conform in all respects to the substantive provisions of this Ordinance; and

**WHEREAS**, the Town Council held noticed public hearings on September 4 and September 18, 2019, where it considered and heard all evidence and testimony concerning this Ordinance.

**NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.**

The above recitals are true and correct and adopted as findings.

## **SECTION 2. CEQA Findings.**

The Town Council finds that:

1. This Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the CEQA Guidelines, because these standards are more protective of the environment than the State Standards, and there are no reasonably foreseeable adverse impacts consequently, there is no possibility that the activity in question may have a significant effect on the environment; and
2. This Ordinance is also exempt under Section 15308 of the CEQA Guidelines—Actions by Regulatory Agencies for Protection of the Environment, because it is an action taken by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment.

## **SECTION 3. Determination of Cost Effectiveness.**

A cost effectiveness study was prepared for the Statewide Code and Standards Program by Frontier Energy, Inc. and Misti Bruceri and Associates, LLC titled “2019 Cost Effectiveness Study: Low-Rise Residential New Construction dated July 17, 2019” (Study). The Study analyzed the feasibility and cost effectiveness of requiring new low-rise residential construction to be all-electric for 16 different climate zones in California, including climate zone 2, within which the Town of Windsor is located in. The Study determined the efficiency standards in this ordinance will meet the Study’s cost-effectiveness requirements in climate zone 2. Based on this, the Town Council of the Town of Windsor hereby determines that the all-electric measures being adopted by the Town are cost effective as documented in the Study.

## **SECTION 4. Text Amendments.**

Chapter 7, “All-Electric Residential Reach Code,” is hereby added to Title VII, “Building and Housing,” of the Town of Windsor Municipal Code, to read as follows:

### **Chapter 7. – ALL-ELECTRIC RESIDENTIAL REACH CODE**

#### **Article 1. – Requiring All-Electric Construction in New Construction Low-Rise Residential Buildings**

##### **7-7-100 – Findings and Purpose.**

The Council finds and expressly declares as follows:

- A. The countries that signed the 2015 Paris Agreement vowed to keep warming this century “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase even further to 1.5°C.”

- B. Scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.
- C. The following addition to the Town of Windsor Municipal Code is reasonably necessary because of local climatic, geologic and health and safety conditions as listed below:
- (1) Town of Windsor is already experiencing the repercussions of excessive greenhouse gas emissions including increased temperatures and more extreme weather events, decreased precipitation, and increased wildfire risk. From 2012 to 2017, Windsor, like the rest of the State, experienced one of the worst droughts on record. In October 2017, the Nuns and Tubbs wildfires in Sonoma and Napa counties burned more than 93,000 acres, resulted in the destruction of more than 5,000 homes and the deaths of 25 people.
  - (2) Town of Windsor is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, 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) Town of Windsor’s natural gas building infrastructure is a potentially significant source of fire during earthquakes, fire, and other natural disaster events.
  - (4) Marginalized communities in Town of Windsor 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.
  - (5) Town of Windsor residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by greenhouse gas emissions.
- D. The electric space heating, water heating, cooking appliances, and clothes drying equipment associated with all-electric, low-rise new construction buildings is linked to significantly lower greenhouse gas emissions and reduced costs to build.
- E. All-electric building design benefits the health, welfare, and resiliency of the Town of Windsor and its residents.
- F. The most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems and the project can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and venting for combustion air safety.

**7-7-105 - Applicability.**

- A. The requirements of this Chapter shall apply at the time of building permit application for all newly constructed low-rise residential buildings, as defined in The California Building Code Title 24 Article 6, proposed to be located in whole or in part within the Town of Windsor.
- B. The requirements of this Chapter shall not apply to the use of portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances.

**7-7-110 - Definitions.**

- A. "Accessory Dwelling Unit" shall have the same meaning as specified in Section 65852.2 of the Government Code.
- B. "Free Standing Accessory Dwelling Unit" is a detached building that is not intended for sale separate from the primary residence, on a lot that is zoned for single-family or multifamily use, located on the same lot as an existing dwelling, and does not exceed 840 square feet of total floor area.
- C. "Attached Accessory Dwelling Unit" is an Accessory Dwelling Unit that does not meet the definition of a Free-Standing Accessory Dwelling Unit.
- D. "Greenhouse Gas Emissions" mean gases that trap heat in the atmosphere.
- E. "Natural Gas" shall have the same meaning as "Fuel Gas" as defined in California Plumbing Code and Mechanical Code.
- F. "Natural Gas Infrastructure" shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter as specified in the California Mechanical Code and Plumbing Code.
- G. "All-Electric Building" or "All-Electric Design" is a building or building design that uses a permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.

**7-7-115 - Requirement for All-Electric Construction in New Construction Low-Rise Residential Buildings.**

- A. Low-Rise Residential New Construction shall meet the definition of an all-electric building.
- B. The requirements of this Section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.

**7-7-120 - Exception for Attached Accessory Dwelling Units.**

The requirements of this Chapter shall not apply to attached Accessory Dwelling Units.

**7-7-125 - Annual Review.**

The Town of Windsor shall review annually the requirements of this Chapter for ongoing consistency with California Energy Commission regulations under Title 24, Part 6 and the Commission's code adoption cycle.

**7-7-130 - Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Town Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared invalid or unconstitutional.

**7-7-135 - Effective Date.**

The provisions of this Chapter shall become effective on January 1, 2020.

**SECTION 5. California Energy Code, 2019 Edition.**

The Town intends to incorporate the substantive requirements of this Ordinance as an amendment to the California Energy Code, 2019 Edition, Title 24, Part 6 of the California Code of Regulations at a later date as part of its adoption of the 2019 California Building Code.

**SECTION 6. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 7. Effective Date.**

The provisions of this Ordinance shall become effective on January 1, 2020.

**SECTION 8. Publication or Posting.**

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published and/or posted after its adoption in accordance with California Government Code section 36933.

**PASSED, APPROVED, AND ADOPTED this 16th day of October 2019, by the following vote:**

**AYES: COUNCILMEMBERS LEMUS, OKREPKE, SALMON,  
VICE MAYOR FUDGE AND MAYOR FOPPOLI**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

  

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**DOMINIC FOPPOLI, MAYOR**

**ATTEST:**

  

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**MARIA DE LA O, TOWN CLERK**