

CITY OF HEALDSBURG

ORDINANCE NO. 1217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HEALDSBURG AMENDING HEALDSBURG MUNICIPAL
CODE SECTION 15.04.080, CALIFORNIA ENERGY CODE
AMENDMENTS TO ADOPT AN AMENDED
ELECTRIFICATION 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 that greenhouse gas (“GHG”) emissions 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, California has committed to transition the state's electricity to 100% clean energy sources before 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 joined a nationwide call for a just transition away from fossil fuels; and

WHEREAS, on December 16, 2019, the City Council of the City of Healdsburg passed Ordinance No. 1196-2019 to adopt a local Reach Code, which expires on December 31, 2022; and

WHEREAS, the Sonoma Climate Mobilization Strategy by the Regional Climate Protection Authority was adopted on March 8, 2021, which encourages local jurisdictions to pursue Reach Codes as a means to reduce GHG emissions; and

WHEREAS, on February 7, 2022, the City Council of the City of Healdsburg reviewed and considered updated 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 and 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 Building Standards Commission (CBSC), and the most recent edition was published July 1, 2022, and will be effective throughout California January 1, 2023; 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 California Energy Commission (CEC) has concluded that the all-electric requirement does not constitute an energy efficiency or conservation standard and is outside their scope, and the all-electric amendments be made in Part 11 of Title 24, called the California Green Building Standards Code (CALGreen); and

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

WHEREAS, the California Codes and Standards Reach Code Program has identified specific modifications to the 2022 Building Standards Code for each climate zone that are cost effective, though cost effectiveness is not a requirement for amendments to CALGreen; and

WHEREAS, the City of Healdsburg has reviewed the available cost effectiveness analysis, which analysis has been considered by the City Council in connection with the adoption of this Ordinance; and

WHEREAS, buildings will be required to meet the standards set forth in all parts of the 2022 California Building Standards Code as adopted by the City of Healdsburg, including the California Energy Code; and

WHEREAS, these amendments are more stringent than the State green building standards by requiring all-electric appliances and equipment instead of natural gas, resulting in reduced greenhouse gas emissions from burning natural gas; and

WHEREAS, by requiring all-electric appliances and equipment there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant negative effect on the environment.

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 2022 California Green Building Standards Code (Title 24, Part 11) 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 of 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 use all-electric appliances and equipment to meet the efficiency standards 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 2022 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 current multi-year drought in California caused Healdsburg to update the water shortage contingency plan in 2022 and implement water restrictions. 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, Healdsburg, 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, 2019 Kincade Fire, and 2020 Walbridge Fire.

6. Both electric and natural gas service are subject public-safety power shutdowns during emergencies, such as wildfires. During the 2019 Kincade Fire, many Sonoma County residents experienced shutdowns. Restoring natural gas service is more complex than restoring electric service and requires individual home and business safety inspections; and therefore, natural gas service restoration can be significantly delayed compared to restoration of electric service.

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 green building standards established in the 2022 California Buildings Standards Code.

SECTION 3: APPLICABILITY

The provisions of this chapter shall apply to all construction projects defined below as a “Newly Constructed Building.”

SECTION 4: CODE AMENDMENTS

Section 15.04.080 (California Energy Code amendments) of Chapter 15.04 “Construction Codes” of the Healdsburg Municipal Code is hereby repealed and replaced with Section 15.04.080 (California Green Building Standards Code amendments) to read as follows (additions by the City are underlined):

Section 15.04.080 California Green Building Standards Code amendments.

Section 202 DEFINITIONS, is modified by adding and amending the following definitions:

ALL-ELECTRIC BUILDING. A building that uses electricity as the source of energy for its space heating, water heating, pool and spa systems, cooking appliances, clothes drying appliances, and decorative appliances, and has no natural gas or propane plumbing installed within the building or within the building’s property lines. All-Electric Buildings may include solar thermal pool heating.

NEWLY CONSTRUCTED BUILDING (or NEW CONSTRUCTION). A newly constructed building (or new construction) does not include additions, alterations or repairs. As defined in Section 15.04.020 of the Healdsburg Municipal Code.

Chapter 4 RESIDENTIAL MANDATORY MEASURES

Division 4.5 ENVIRONMENTAL QUALITY is amended to add a new section as follows:

4.509 GREENHOUSE GAS EMISSIONS

4.509.1 All-Electric Buildings.

Newly Constructed Buildings shall be designed and constructed as All-Electric Buildings.

Exception 1 to 4.509.1: All Newly Constructed Buildings may contain natural gas cooking appliances and direct-vent sealed-combustion type fireplaces.

Exception 2 to 4.509.1: Accessory Dwelling Units (ADU) that are attached to the primary dwelling unit, if the existing primary dwelling unit uses mixed fuel for space and water heating and the ADU services will be provided by the existing mixed fuel system.

Exception 3 to 4.509.1: Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.

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. Single-family homes shall comply with the 2022 California Energy Code, Section 150.0(t) – 150.0(v). For any appliances not specifically listed, they shall follow the same requirements set forth in this section with appropriate location and sizing for the specific appliance.
2. Multifamily buildings shall comply with the 2022 California Energy Code, Section 160.9. For any appliances not specifically listed, they shall follow the same requirements set forth in this section with appropriate location and sizing for the specific appliance.

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 104.11.

Chapter 5 NONRESIDENTIAL MANDATORY MEASURES

Division 5.5 ENVIRONMENTAL QUALITY is amended to add a new section as follows:

5.509 GREENHOUSE GAS EMISSIONS

5.509.1 All-Electric Buildings.

Newly Constructed Buildings shall be designed and constructed as All-Electric Buildings.

Exception 1 to 5.509.1: All Newly Constructed Buildings may contain natural gas cooking appliances and direct-vent sealed-combustion type fireplace.

Exception 2 to 5.509.1: Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.

Conditional Exception 3 to 5.509.1: Exception for Essential Facilities as defined in Section 202 of the Building Code, 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 feasible.

Conditional Exception 4 to 5.509.1: 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 the applicant establishes one or more of the following:

1. There is a business-related necessity to use a natural gas fuel source that cannot be achieved with an electric fuel source; or
2. There is a proven need for a natural gas appliance due to public health or public safety reasons that cannot be achieved with an electric fuel source.

If an exception is granted, compliance with the pre-wiring requirements of Note 1 if feasible is required for the appliance allowed under the 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 104.11.

SECTION 5: 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 green building 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 Sections 15307 and 15308 on the grounds that: a) the City, as a regulatory agency, is authorized to amend the Energy Code and Green Building Standards Code; b) this ordinance assures the maintenance and protection of the environment by amending the Green Building Standards Code to impose more stringent all-electric energy requirements for future building; and c) the Ordinance will institute regulatory requirements intended to protect the environment and natural resources, as the Ordinance will require the installation of less natural gas infrastructure and reduce the amount of GHG gas emissions in the City that are produced from buildings, and reduce the risk of catastrophic infrastructure failure, including explosions and fires caused by breaks and leaks in the natural gas distribution system as a result of upset conditions due to deferred maintenance or following an earthquake.

SECTION 6: 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 7: VIOLATIONS.

Violation of the requirements of this Chapter shall be considered a violation of the Healdsburg Municipal Code, and shall be subject to enforcement in accordance with the provisions of Chapter 15.04.100 Violations - Penalty of the Healdsburg Municipal Code.

SECTION 8: EFFECTIVE DATE.

This Ordinance shall become effective upon the date the California Building Standards Commission (CBSC) accepts the ordinance for filing, but in no event before January 1, 2023.

SECTION 9: 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 6th day of September 2022, and PASSED and APPROVED on the 19th day of September, 2022, at a regular meeting, by the following vote:

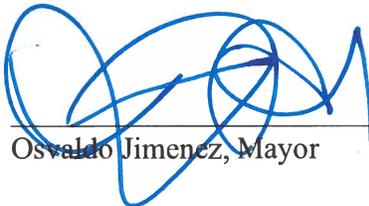
AYES: Councilmembers: (4) Hagele, Kelley, Mitchell and Mayor Jimenez

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

APPROVED:



Oswaldo Jimenez, Mayor

ATTEST:



Raina Allan, City Clerk

Dated: September 27, 2022

I, RAINA ALLAN, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1217 passed and adopted by the Healdsburg City Council on the 19th day of September, 2022.


Raina Allan, City Clerk

