

CITY OF ALAMEDA RESOLUTION NO. _____

New Series

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALAMEDA MAKING FINDINGS REGARDING LOCAL CLIMATIC, GEOLOGICAL, TOPOGRAPHICAL, AND ENVIRONMENTAL CONDITIONS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 17958.7 AND 18941.5 IN SUPPORT OF ADOPTION OF ALAMEDA LOCAL AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDINGS STANDARD CODE TO REQUIRE NEWLY CONSTRUCTED BUILDINGS TO BE ALL-ELECTRIC.

WHEREAS, the California State Building Standards Commission approved and published the 2022 edition of the California Building Standards Code on July 1, 2022, and such code will be effective 180 days thereafter, which is January 1, 2023; and

WHEREAS, the 2022 California Building Standards Code includes the 2022 California Green Buildings Standard Code; and

WHEREAS, California Health and Safety Code Sections 17958.7, and 18941.5 provide that the City may make changes or modifications to the building standards contained in the California Building Standards Code based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, on or about September 20, 2016, the State of California enacted Senate Bill (SB) 32, which added Health and Safety Code Section 38566 to require greenhouse gas emissions to be reduced to 40 percent below 1990 levels by no later than December 31, 2030 and become carbon-neutral by 2045; and

WHEREAS, consistent with the City's Climate Action and Resiliency Plan ("CARP"), the local amendments to the 2022 California Green Buildings Standards Code establish requirements to install electric appliances, reduce regional pollution, and promote a lower contribution to greenhouse gases emissions; and

WHEREAS, based upon the findings contained in this Resolution, the City Council will be adopting an ordinance making local amendments to the 2022 California Green Buildings Standard Code that are reasonably necessary based upon local climatic, geological, topographical, and environmental conditions; and

WHEREAS, cost effectiveness studies prepared by the California Statewide Investor Owned Utilities Codes and Standards Program in conjunction with consultants and cities, demonstrate that the local amendments may be complied with cost-effectively

and do not result in buildings consuming more energy than is permitted by the 2022 California Energy Code;

NOW, THEREFORE, the City of Alameda does resolve as follows:

Section 1: RECITALS

The City Council finds the foregoing recitals to be true and correct and hereby incorporates those recitals into this Resolution.

Section 2: LOCAL CONDITIONS

The City Council makes the following findings regarding local climatic, geological, topographical, and environmental conditions related to the local amendments to the 2022 California Green Buildings Standard Code described in Section 2 below:

- a. Climatic: The City is located in Climate Zone 3 in the 2022 Edition of the California Energy Code. Climate Zone 3 incorporates mostly coastal communities from Marin County to southern Monterey County including San Francisco. Alameda is already experiencing the repercussions of excessive greenhouse gas emissions including increased temperatures and more extreme weather events, decreased precipitation, and impacts of increased wildfire risk. The longest duration of drought in California lasted 376 weeks beginning on December 27, 2011, and ending on March 5th, 2019. Alameda, like the rest of the State, continues to experience abnormal drought conditions. In addition, Alameda, along with other jurisdictions in the region and the State of California, experienced the negative impacts of several of the most destructive wildfires in California history in 2020 and 2021. These climatic conditions, along with the greenhouse emissions generated from structures in both the residential and non-residential sectors, led to severe environmental impacts and accordingly require Alameda to exceed the energy standards for building construction established in the 2022 Edition of the California Buildings Standards Code. The City Council also adopted a Climate Action and Resiliency Plan that has a goal of reducing greenhouse gas emissions 50% below 2005 levels by 2030. In order to make progress in achieving this goal, the City needs to adopt policies and regulations that reduce the use of fossil fuels that contribute to climate change, such as natural gas in buildings, in new development. 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. These conditions contribute to sea level rise and persistent, seemingly omnipresent wildfires, affecting the City's shoreline and infrastructure, in addition to the health of its residents, which Alameda is particularly vulnerable to as an island community abutting the San Francisco Bay. Alameda Municipal Power provides 100% clean energy, allowing all-electric

buildings to be carbon free in their operations.

- b. Seismic/Geologic: Alameda is subject to earthquake hazard caused by its proximity to both the Hayward and San Andreas faults. Both of these faults are considered active faults which may rupture at any time. The USGS estimates that an earthquake greater than magnitude 6.7 has a 72 percent chance of occurring in the Bay Area before 2043. An earthquake on one of these faults will likely result in widespread liquefaction damaging buildings and buried infrastructure. Reducing the reliance on natural gas in new construction will decrease the risk of fires when gas lines rupture and break or gas appliances topple in earthquakes. Restoring full natural gas service following a major earthquake may take up to six months, compared to about two weeks for electricity.¹
- c. Topographic: The City of Alameda is a low-lying island in the San Francisco Bay, with a rising groundwater table associated with sea level rise which can cause flooding and damage buried infrastructure.
- d. Geographic: The City of Alameda is an island community with access dependent upon bridges and underwater tubes that could make access in the event of a disaster a challenge.

Section 3. LOCAL AMENDMENTS

The City Council expressly finds that the following modifications and changes to the 2022 California Green Buildings Standards Code are reasonably necessary because of the local geological, climatic, topographical, and/or environmental conditions, and that the local conditions detailed in Section 2 above apply to the following modifications and changes to the 2022 California Green Buildings Standard Code, as follows:

| No. | Code Section(s) | Amendment Summary | Justification from Section 1 | Local Conditions |
|-----|--|--|------------------------------|---|
| 1. | <u>4.106.5 All-electric Buildings.</u> | Requiring all newly constructed buildings and qualifying alterations to be “All-Electric Building[s]”; establishing certain limited exceptions to this requirement, in addition to establishing a rewiring requirement | Subsections (a) through (d) | Climatic, seismic/geologic, topographic, and geographic |

¹ <https://onesanfrancisco.org/sites/default/files/inline-files/Lifelines%20Restoration%20Performance%20Report%20Final-03-02-21.pdf>

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|----|--|---|-----------------------------|---|
| | | for those projects excepted; providing for discretion of the Building Official to approve alternative materials, design and methods of construction or equipment per California Building Code section 104. | | |
| 2. | <u>4.106 Site Development</u> | Adding definition of “All-Electric Building” to facilitate the foregoing all-electric requirement for new construction | Subsections (a) through (d) | Climatic, seismic/geologic, topographic, and geographic |
| 3. | <u>5.106.13 All-electric Buildings</u> | Requiring all newly constructed buildings and qualifying alterations to be “All-Electric Building[s]”; establishing certain limited exceptions to this requirement, in addition to establishing a rewiring requirement for those projects excepted; providing for discretion of the Building Official to approve alternative materials, design and methods of construction or equipment per California Building Code section 104. | | |

Section 4: EFFECTIVE DATE

This Resolution shall be in effective immediately upon its passage and adoption.

Section 5: ENVIRONMENTAL REVIEW

This action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in that the standards set forth in the ordinance are more protective of the environment than the California Energy Code standards, and there is no possibility that the activity in question may have a significant effect on the environment. As a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines section 15308 in that the standards set forth in the ordinance assure the maintenance, restoration, enhancement or protection of natural resources and the environment. In addition, CEQA Guidelines section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) applies to the project in that the standards set forth in the Ordinance are consistent with the General Plan and the Climate Action and Resiliency Plan.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on this ____ day of _____, 2021, by the following vote to wit:

AYES:

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda