



Town of San Anselmo

Legislation Text

File #: 22-131, **Version:** 1

FROM:

Erica Freeman, PE, RA, CBO, Building Official

SUBJECT:

New Residential Construction Electrification

RECOMMENDATION

That the Council provide direction to staff on revising the Town's Building Code related to the current Green Building Reach Code requirements to include the electrification of residential new construction under the Health and Safety Code, before the proposed 2022 Reach Code adoption this fall.

BACKGROUND AND DISCUSSION

California continues to lead the fight against climate change. The State has established two goals to drastically reduce Greenhouse Gas (GHG) emissions throughout the State: 1) reduce GHG by 40-percent of 1990 levels by 2030; and 2) reach carbon neutrality by 2045. The effort to fight climate change is delegated to State agencies, regional planning/transportation agencies and local governments like San Anselmo and Marin County.

In 2019, Building Energy accounted for 34% of Countywide Emissions (27% Natural Gas and 7% Electricity). Waste and Water use were at 4% and <1% respectively, and despite being a smaller portion of emissions, both are addressed within features of the state's Green Building Code.

Overall Marin County GHG emissions have decreased from 777,035 mt CO₂ equivalent (CO₂e) in 2005 to 481,855 mtCO₂e in 2019. The decrease in County emissions is the result of Statewide policy and Marin Clean Energy's (MCE) cleanup of the electricity grid on the supply side, and green building requirements, efficiency, and decarbonization on the demand side. Despite the decrease in overall GHG emissions, natural gas emissions from 2005 to 2019 increased as a percentage from 56% to 80%.

On April 28, 2020, the Town Council approved San Anselmo's Green Building Reach Codes, which incorporated additional requirements, beyond the state's Green Building code requirements, to Residential: New Construction, Large Additions and Alterations, Small Additions and Alterations; Commercial: New Construction, Large Additions and Alterations, Small Additions and Alterations. The adopted Reach Codes were the same as those adopted by Marin County and Mill Valley.

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Currently, Marin County's stance is that building electrification is critical to decarbonizing the building sector and reducing overall emissions. Additionally, the decarbonization of buildings sets the stage to decarbonize the transportation sector through EV readiness and infrastructure policies and programs.

This fall, the Town will adopt State Building Code amendments, including potential additional County Reach Codes. The State will defer an all-electric code until the 2025 code cycle but will focus on heat pumps this 2022 code cycle. However, in the 2022 cycle, the County will have draft Reach Codes that will include requirements beyond the state's requirements. These Reach Codes will be developed by Marin County through a process, (meetings and community outreach), which began this winter with the County's Steering Committee. Like the 2019 Reach Codes, the 2022 Reach Codes will encompass residential and commercial new construction and remodel permit types. Under the 2022 Reach Codes, new residential construction will be required to be all-electric. The 2022 Green Building Reach Codes, if adopted on schedule, will become enforceable by Jan 1, 2023.

Approximately 53 California jurisdictions including Fairfax, have utilized sections 18941.5 and 17958.7 of the Health and Safety Code to adopt all-electric and/or natural gas moratoriums for new residential construction. Under these statutes, a jurisdiction can modify the Building Code based on findings that the jurisdiction-specific amendments are reasonably necessary because of local climatic, geological, or topographical conditions. If the Town Council directs staff to prepare a building electrification ordinance based on these findings, the Council may implement such regulations until the Reach Codes are adopted.

Between now and the implementation of the 2022 Green Building Reach Codes (if adopted), the Planning Department has determined that two new homes and 10 new Accessory Dwelling Units (ADUs) could potentially apply for new construction permits. With a new construction electrification ordinance, these units would be required to be all-electric. The numbers of units are speculative and as with all construction environments, this number could be higher or lower. If the Town does not adopt an all-electric ordinance before complete applications are submitted for the above new construction, the Town will have missed an opportunity to reduce greenhouse gas emissions for these new buildings.

With the above information in mind, if directed by Council, staff will return with an ordinance that requires all new residential construction to be all-electric. The ordinance would be in effect until the Reach Codes take effect in January 2023.

FISCAL IMPACT

Staff time.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Town hereby finds that pursuant to CEQA Guidelines section 15378(b)(5), action on this item is not a project subject to CEQA because it is an

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administrative governmental activity that will not cause a direct or indirect physical change in the environment.

The Town also finds that, alternatively, under CEQA Guidelines section 15061(b)(3), this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Further, and in the alternative, the Town finds that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

The electrification of new residential construction will address San Anselmo's Climate Action Plan (CAP) 2030, specifically CAP E-4, Green Building Reach Codes, all-electric building systems as an option to reduce greenhouse gas emissions.