City of Piedmont
COUNCIL AGENDA REPORT

DATE: September 19, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Introduction and 1st Reading of Ordinance 766 N.S. – Amending Chapter 8 of the City Code Adopting 2022 State Building Standards Codes and Adopting Requirements for Energy Efficiency Measures, Photovoltaic Systems, and All-Electric Construction in New or Existing Single Family Buildings, and Determining that the Ordinance is Exempt from CEQA

RECOMMENDATION

Approve the 1st Reading of Ordinance 766 N.S. – Amending Chapter 8 of the City Code Adopting 2022 State Building Standards Codes and Adopting Requirements for Energy Efficiency Measures, Photovoltaic Systems, and All-Electric Construction in New or Existing Single Family Buildings, and Determining that the Ordinance is Exempt from CEQA.

EXECUTIVE SUMMARY

In February 2021, the City Council adopted Piedmont's first-ever Reach Codes. The City was one of the first in California to adopt Reach Codes that apply to existing residential buildings, in addition to new construction. The Reach Codes adopted in 2021 are local amendments to the 2019 California Code of Regulations Title 24, Part 6 – the statewide Building Energy Efficiency Standards. However, starting in January 1, 2023, the 2022 California Code of Regulations will go into effect, and will supersede the State's 2019 Building Code Standards. Because the State's Codes will be superseded, in order for the City's Reach Codes to continue to stay in effect under the new Code, staff is recommending adoption of the 2022 California Code of Regulations, including the California Administrative, Building, Residential, Mechanical, Plumbing, Electrical, Energy, Fire, Green Building Standards, Reference Standards, Historical Building and Existing Building Codes. Additionally, staff is recommending the readoption of the local amendments to the Energy and Electrical Code – listed below, which will be conformed to the 2022 State Standards. The proposed local amendments for Council's consideration contain minor changes to the previously adopted Reach Codes. These minor changes are highlighted on page 7 of this report.

If adopted, these amendments will help residents insulate their homes for greater energy efficiency and switch from natural gas to electric building appliances powered with renewable energy. Building insulation and electrification, in turn, will help the Piedmont community meet its Climate Action Plan 2.0 emissions reduction and climate adaptation goals. The proposed Title 24

amendments will also decrease total building energy use in Piedmont, and community members will be able to meet all new requirements in a way that is cost-effective.

The amendments proposed for readoption are listed below and discussed in more detail on pages 6-8 of this report.

- Newly constructed single family buildings, including new detached accessory dwelling units (ADUs), must use all electric building appliances – for example, electric space and water heaters, electric ovens and stoves, and electric clothes dryers. Newly constructed single family buildings will be prohibited from being connected to natural gas service.

- Projects proposing an entire new upper level on a single family building, or that increase a single family building's total roof area by 30% or more, are required to install solar panels on their roof. The statewide Standards use a formula to determine how many solar panels must be installed on new residential buildings; the same formula will be used for this Reach Code.

- A housing renovation on a single family building, that costs $30,000 or more, will require the applicant to choose one item from a list of energy efficient insulation or electrification fixes to include in the renovation. A housing renovation on a single family building that costs $115,000 or more will require the applicant to choose two items from the list. Multiple items are cost-effective. Here is the list of items:

    - A package of attic insulation, air sealing, and duct sealing
    - Wall insulation
    - Floor insulation
    - A package of low-flow fixtures and water heater/ water piping insulation
    - A package of high efficacy lighting for internal lights
    - Switch out gas furnace for a heat pump (or other energy efficient electric heating system)
    - Switch out gas water heater for a heat pump (or other energy efficient electric heating system)
    - Submit a report from a Home Energy Score or Home Energy Audit completed in the last five years. Follow one of the recommendations that came with the Score or Audit report, per approval by the Building Official.

Staff also recommends the readoption of modifications to the Electrical Code to include the following requirements:

- An application for an electrical panel upgrade must include capacity in the panel to accommodate future electrification of all appliances in the residence.

- An application for a kitchen renovation must include an appropriately sized electrical outlet at the location of all major kitchen appliances. The purpose of this outlet is to allow for future all-electric kitchen appliances.

- When a doing a laundry area renovation, residents must supply an electrical outlet in the laundry area for an electric clothes dryer. The purpose of the new outlet is to allow for laundry appliance electrification.

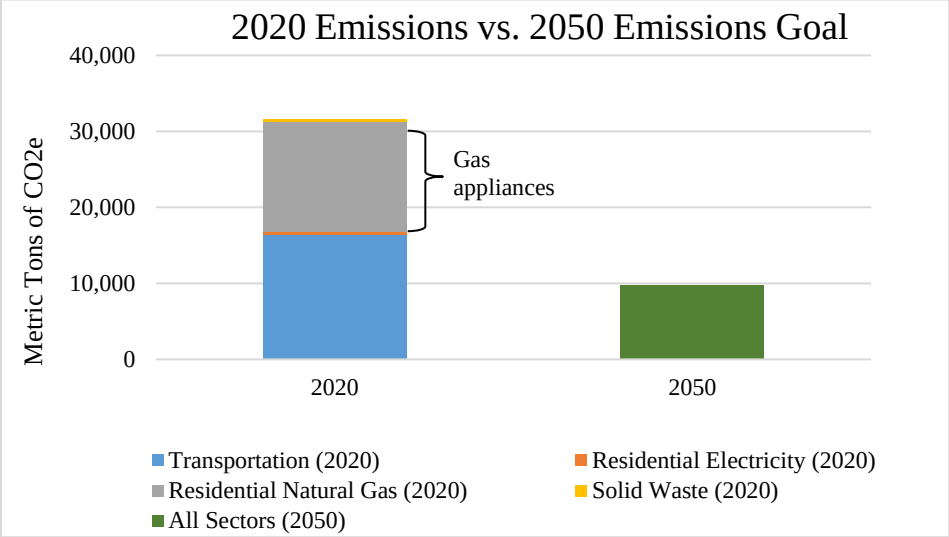
All these proposed Reach Codes only apply to single family buildings – a category that does not contain more than two dwelling units. This includes single family dwellings, townhouses of two attached dwelling units, and ADUs. Together, these types of buildings account for the vast majority of buildings in Piedmont. The previously adopted Reach Codes used the term low-rise residential buildings instead of single family buildings. This is due to restructuring in the 2022 Code that for the most part, treats all multifamily occupancies separately from single family (and mostly eliminated the distinction between low- and high-rise multifamily buildings).

BACKGROUND

Ordinance 750 N.S.

At the February 1, 2021, City Council meeting, the Council adopted Ordinance 750 N.S., amending the 2019 Building Energy Efficiency Standards to establish Reach Codes (See Supplemental and Referenced Documents). Reach Codes must further reduce building energy use relative to the statewide Standards and must reflect the consideration of "cost-effectiveness" – whether the proposed Codes save money for homeowners and/or for the market – as part of the adoption process. The purpose of adopting Reach Codes is to help residential buildings achieve greater energy efficiency, as well as help the Piedmont community meet its Climate Action Plan (CAP) 2.0 emissions reduction and climate adaptation goals. Natural gas use in residential buildings is one of the biggest obstacles to achieving the City's CAP 2.0 goals – it consistently comprises about half of Piedmont's in-territory emissions. Many of Piedmont's houses are old and large, requiring greater energy use on heating and cooling, and most use appliances powered with natural gas. As a result, Piedmont has annually emitted over 14,000 metric tons of Carbon Dioxide equivalent (CO_2e) just from natural gas use in residential buildings from 2017 to 2020. This is more than our total emissions goal for 2050, with most of these emissions coming from natural gas furnaces and water heaters (Figure 1, below). The Reach Codes adopted by Council in 2021 seek to address this issue by requiring all new residential construction to be all-electric; energy efficiency measures to be implemented with renovation projects of existing residential buildings costing $25,000 or more; and solar photovoltaic (PV) systems to be installed if a remodel project includes an entire new level or expansion of the total roof area by 30% or more. Building construction or renovations are ideal times to improve building insulation or electrification, or to install solar panels.

Figure 1: Piedmont's 2020 emissions vs. 2050 CAP 2.0 emissions goal



2022 Energy Code

The California Code of Regulations, Title 24, Part 6 – the Building Energy Efficiency Standards ("Energy Code") – set statewide energy efficiency requirements for new construction of, and additions and alterations to, residential and nonresidential buildings. The California Energy Commission (CEC) updates the standards every three years to cost-effectively increase the energy efficiency and lower the carbon footprint of buildings. In August 2021, the CEC adopted the 2022 Energy Code. In December 2021, it was approved by the California Building Standards Commission. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. Accordingly, all cities and counties need to adopt the new Code and any local amendments to the Code, which includes Reach Codes. The benefits of adopting Reach Codes for an intended effective date of January 1, 2023, include having the Reach Code in effect for the longest duration possible under the Code (i.e., the entire three years between Code updates); enabling an efficient administerial transition for City staff and building permit applicants; and ensuring continuity in enforcement between the 2019 and 2022 Code cycles. For these reasons, City staff recommends readoption of local amendments to the 2022 Energy Code in advance of the January 1, 2023 effective date.

2022 Code Drafting and Public Engagement

In preparation for the adoption of the 2022 Energy Code, City staff have been conducting ongoing outreach, monitoring, and evaluation of the Reach Codes enacted in 2021. Evaluation of the existing Reach Codes policy is critical to understanding its merit, worth, and utility. The evaluation process has entailed collecting quantitative and qualitative data through an online survey with building permit applicants, conducting in-person interviews with City staff involved in the Reach Code intake and permitting process, and reviewing building permit applications which had Reach Codes applied to them. Key takeaways from the online survey with building permit applicants who

had Reach Code requirements included in their projects include overall salience of the benefits of the Reach Codes (e.g., reduced indoor air pollution, long-term energy cost savings); awareness of the requirements prior to submittal of a Building Permit Application; and dedication to implementing energy efficiency measures whether or not the Reach Codes had required them to do so. In May 2022, staff provided an informational report to the Council regarding implementation progress of the Reach Codes (see Supplemental and Referenced Documents). In the first seven months of implementation (June 1, 2021 – January 31, 2022), City staff identified 113 building projects which Reach Codes applied to them. Estimated GHG emission reductions from Reach Code related building projects during this time period was approximately 18 metric tons of CO_2e.

Staff launched the 2022 Reach Codes public engagement process this past spring. In April, City staff held an in-person community forum for residents to learn about the energy efficiency requirements. Staff presented an overview of Piedmont's current Reach Codes, the 2022 Energy Code, and initial considerations for the next set of Reach Codes, followed by discussion to hear from meeting attendees their thoughts and opinions about the current and future set of Codes. Event participants widely agreed the City's Reach Codes are useful for helping the City meet its CAP 2.0 goals and are in favor of the City explaining the impact of the policy's effectiveness and the benefits of the policy in terms of GHG reductions and cost savings. Some of the ideas for possible amendments to the Reach Codes mentioned by event participants included: expanding the policy to incorporate exterior alterations in efforts to reduce outdoor natural gas use; having the Codes be applied to projects based on cumulative project cost over a predetermined time period; and having the City provide additional educational materials of the policy to building permit applicants and homeowners.

In April and May 2022, staff circulated an online survey to further evaluate residents' opinions on the existing Reach Codes and potential changes that could be made in the next Code cycle. The survey was sent out to multiple City email lists and uploaded to the City's website. Eighty-seven people participated in the online survey. Despite more than half of survey respondents having heard little or nothing at all about the City's Reach Codes, many support the City's efforts to encourage less use of natural gas in buildings through the policy. When asked what changes, if any, they would make to the reach codes to make them more acceptable, many survey respondents mentioned increasing the $25,000 renovation threshold given current construction costs and providing financial incentives to help homeowners subsidize the cost of improvements. Some were frustrated with the Reach Code requirements and had concerns about electrical service being inadequate to make improvements. When asked how the City of Piedmont should help support residents implementing the reach codes and transitioning off natural gas, many respondents indicated their support for establishing an expedited permit processing for electric heat pumps, reducing permit fees for heat pumps, and increasing public outreach and community engagement about the options and incentives for electric appliances. Summaries of the Reach Code Community Forum and Reach Code survey are provided by hyperlink at the end of this document.

Following the survey and initial public engagement meetings, staff worked to develop the 2022 Reach Codes in response to residents' concerns and feedback. Staff worked with EBCE's and PG&E's cost effectiveness teams to make sure these new requirements can be met in ways that are cost-effective. August 2021 and August 2022 Single Family Residential Reach Code Cost

Effectiveness Studies – prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, funded by California utility ratepayers, and submitted to the California Energy Commission – found that all-electric new construction and solar installation are cost-effective. These studies also found that the floor and water heating insulation list items and the high efficacy lighting list item are also cost-effective.

SUMMARY OF PROPOSED CODE REVISIONS AND NEW POLICY

Piedmont City Code Section 8.02.010 is proposed to be revised to adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, as more specifically identified below:

- A. 2022 California Residential Code, Part 2.5 of Title 24 of the California Code of Regulations, including Appendices AK and AX.
- B. 2022 California Building Code of Regulations, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2 and Appendices D, F, G, H, I, and J.
- C. 2022 California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations, including its appendices.
- D. 2022 California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations, and its appendices.
- E. 2022 California Electrical Code, Part 3 of Title 24 of the California Code of Regulations, and its annexes.
- F. 2022 California Energy Code, Part 6 of Title 24 of the California Code of Regulations including all of its appendices.
- G. 2022 California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations, including all of its appendices.
- H. 2022 California Referenced Standards Code, Part 12 of Title 24 of the California Code of Regulations, including all of its appendices.
- I. 2022 California Administrative Code, Part 1 of Title 24 of the California Code of Regulations, and its appendices.
- J. 2022 California Historical Building Code, Part 8 of Title 24 of the California Code of Regulations, including all of its appendices.
- K. 2022 California Existing Building Code, Part 10 of Title 24 of the California Code of Regulations, including its appendices.
- L. 2022 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices A through O.

Piedmont City Code Section 8.02.060, 2019 California Electrical Code – Amendments, is proposed to be revised to readopt the following amendments to the 2022 California Electrical Code:

- Subsection 210.52 Dwelling Unit Receptacle Outlets, is amended to require that electrical outlets for cooking appliances be installed in kitchens, and electrical outlets for clothes dryers be installed in laundry areas when those areas in existing single family buildings are being renovated.

- Section 220.83, Existing Dwelling Unit, is amended to require that when an electrical panel is being replaced with an upgrade, the upgraded panel must include space in the panel to accommodate future electrification of all appliances in the residence.

Piedmont City Code Section 8.02.020, 2019 California Residential Code – Amendments, is proposed to be revised to readopt subsection D that amends the 2022 California Residential Code by adding subsection R106.6 Renovation Energy Efficiency Upgrades and Electrification. Because of the insertion of a new subsection D, existing subsections D-II are proposed to be renumbered as E-JJ.

- 2022 California Residential Code section 106.6 is amended to require that an alteration of or addition to a single family building, with a stated project value of $30,000 or more, submit documentation including in the scope of work one item from a list of energy efficient insulation or electrification measures. An alteration of or addition to a single family building with a stated project value of $115,000 or more requires the inclusion of two items from this list.
    - This section of the Code contains changes to the previously adopted Reach Code. The changes include an update to the stated project value thresholds for alterations or additions to single family buildings (an increase from $25,000 to $30,000; an increase from $100,000 to $115,000) to reflect current cost trends for construction trade labor and materials based upon the California Construction Cost Index published by the California Department of General Services. It also includes the following changes to the Energy Efficient Measures and Electrification Items List: update to the R-value of attic insulation (R-38 to R-49); and addition of Measure B pertaining to wall insulation.

  Energy Efficient Measures and Electrification Items List:

  A. Install R-49 attic insulation, and apply air sealing practices in all accessible areas of the building. Seal ducts to meet the requirements of 2022 California Title 24 Section 150.2(b)1E.
  B. Install R-13 wall insulation on exterior walls to meet the requirements of 2022 California Title 24 Section 150.0(c).
  C. Install R-19 insulation at raised floor assemblies per 2022 California Title 24 Section 150.0(d).
  D. Install R-3 insulation on all accessible hot water piping. Install R-6 insulation to the exterior of existing residential tank storage water heaters. Install low flow water fixtures in sinks and showers throughout the building per 2022 CALGreen Section 4.303.

E. Replace all screw in incandescent and CFL lamps with screw in LED lamps in all light fixtures per 2022 California Title 24 Section 150.0(k).
F. Replace Fuel Gas furnace with an electric high efficiency heat pump system.
Exception: Replace Fuel Gas furnace with other high efficiency electric space heating system per approval of the Building Official.
G. Replace Fuel gas water heater with an electric heat pump water heater.
Exception: Replace Fuel Gas water heater with other high efficiency electric water heating system per approval of the Building Official.
H. Submit a report from a Home Energy Score or Home Energy Audit completed within five years of Building Permit submittal. Incorporate one of the recommendations contained in the Score or Audit report, per approval of the Building Official."

Piedmont City Code Sections 8.02.070 is proposed to be amended to readopt Piedmont's local amendments to the 2022 California Energy Code, which include the following amendments:

- 2022 California Energy Code sections 100.0, 100.1(b), 150.0, 150.1 are amended to require that all newly constructed single family buildings be an All-Electric Building, with no natural gas or propane plumbing installed at the building. This regulation will also apply to newly constructed detached accessory dwelling units.

- 2022 California Energy Code section 150.2 is amended to require that an existing single family buildings undergoing an addition of an entirely new upper level or increase the building's total roof area by 30% or more be constructed with a rooftop solar photovoltaic energy system.

CONSISTENCY WITH GENERAL PLAN AND CLIMATE ACTION PLAN 2.0

Readoption of the recommended ordinance and policy is consistent with general priorities and specific objectives discussed in the City's General Plan and Climate Action Plan 2.0.

General Plan

Natural Resources and Sustainability Element

The Natural Resources and Sustainability Element of the General Plan states that "sustainability is one of the overarching goals of this General Plan" and that emissions reduction is a key component of sustainability. The element outlines multiple "ways Piedmont will reduce its carbon footprint… during the years ahead" which are consistent with the proposed ordinances:

- Making Piedmont buildings "'Green Buildings,' which incorporate recycled materials, advanced energy and water conservation systems, and are designed through a process that considers not only a building's function but also its use of natural resources, its impact on the environment, and the well-being of its occupants."
    - Element states installing motion sensors for lighting, and installing solar panels, can help make buildings "green buildings".
    - Element notes: "In the future, amendments to the building code and other locally-sponsored initiatives may be considered" to "require greener construction."

- Increasing building "energy efficiency," including by increasing the use of solar power in Piedmont and by "exploring home energy retrofit and energy-efficient lighting installation measures."

The Natural Resources and Sustainability Element also establishes the following specific goals and policies, which are consistent with the proposed ordinances.

- *Goal 16: Sustainable Development* -- Encourage building and construction practices that minimize environmental impacts and natural resource consumption.
    - *Policy 16.2: Green Building* -- Support the use of green building methods in new construction and rehabilitation projects, including both public agency projects and private projects undertaken by homeowners.
    - *Action 16.B: Building Code Amendments* -- Regularly evaluate any obstacles to green building construction in Piedmont. Periodically amend the building code to incorporate green building principles, respond to changes in state law which promote green building, and match the steps being taken by nearby Alameda County cities to encourage green construction.
- *Goal 17: Resource Conservation* -- Conserve non-renewable resources for future generations through solid waste reduction and energy management.
    - *Policy 17.3: Alternative Energy Sources* -- Encourage the use of alternative energy sources, such as solar power and wind energy, by Piedmont residents.

Environmental Hazards Element

The Environmental Hazards Element of the General Plan notes that greenhouse gas emissions cause climate change, which is in turn connected with natural hazards, and that "in 2015, the three largest sources of GHG [greenhouse gas] emissions in Piedmont were building electricity use, natural gas use for space and water heating, and petroleum-fueled personal vehicle use."

The goal of the Environmental Hazards Element of the General Plan is "to minimize future loss of life, injury, and property damage resulting from natural hazards." Reducing the use of natural gas addresses the concerns about hazards in multiple ways. Severe seismic events could damage gas mains and cause leakage and/or explosions. The use of natural gas in buildings can be a hazard to the health and safety of occupants. Greenhouse gas emissions resulting from the use of natural gas contributes to the effects of climate change, the detrimental impact on human health and safety is established elsewhere in this report.

Climate Action Plan 2.0

The Climate Action Plan (CAP) 2.0 adopted by City Council in 2018 calls for the Piedmont community to reduce its in-territory emissions 40% relative to its 2005 baseline by 2030 and 80% relative to the 2005 baseline by 2050. The CAP 2.0 identifies building energy as one of the main sources of emissions that must be addressed to meet this goal, devoting an entire chapter to "Buildings and Energy Use." The following goals, objectives, measures, and actions listed in the "Buildings and Energy Use" chapter are consistent with the recommended ordinances:

2030 Goal: Source 100% of electricity from renewable sources, increase efficiency of electricity use, reduce natural gas consumption by 50% below 2005 baseline.

2050 Pathway to Success: Maximize efficiency through appliances and behavior, 100% renewable electricity, maximize building efficiency, and eliminate natural gas use by switching to electric appliances.

Objective BE-1: Reduce Residential Building Energy Use

- *Measure BE-1.2:* Reduce Electricity and Natural Gas Consumption
    - *Action BE-1.2E:* At point of replacement, consider requiring the installation of energy conserving appliances and fixtures, such as on-demand tankless water heaters, Energy Star appliances, and LED lightbulbs.
- *Measure BE-1.3:* Switch from natural gas to electric appliances, coupled with renewable energy
    - *Action BE-1.3C:* Consider requiring electric appliances for new construction.

Objective BE-3: Increase Renewable Energy to 100% by 2030

- *Measure BE-3.2:* Install On-Site Renewable Energy
    - *Action BE-3.2E:* Develop a reach code to phase-out electric service panels below a 200-amp capacity at time of upgrade.

Objective BE-6: Investigate Infrastructure Upgrades and New Technology

- *Measure BE-6.1:* Explore Deep Decarbonization Infrastructure
    - *Action BE-6.1C:* Reduce the need for new natural gas lines through phasing out natural gas appliances in new construction and existing building replacements.

Beyond specific policy goals, the Climate Action Plan 2.0 makes several statements – concerning steps Piedmont needs to take to meet the 2030 and 2050 CAP emissions goals – which are consistent with the recommended ordinance:

- "The combination of the age of Piedmont homes, their size, and the low rates of new home construction mean Piedmont will have to aggressively pursue energy efficiency upgrades for existing homes to meet its climate goals."
- "Fuel switching from natural gas to electricity is a viable path towards zero carbon buildings, especially when coupled with on-site renewable energy and/or low-carbon grid power."
- "Adoption of on-site renewable energy would help the Piedmont community dramatically reduce its GHG emissions, while also providing residents and business owners with a number of other benefits."
- "To meet carbon neutrality by 2050, natural gas infrastructure installed now may need to be retired for electrification before the end of its useful life. This represents an unnecessary cost. Natural gas equipment and infrastructure will become 'stranded assets,' so making the switch earlier rather than later is ideal."

Staff recommends readopting the proposed Reach Codes, which would be adopted within an existing state framework of decarbonization. Notably, other local agency and utility decisions are being made that already assume ongoing work to achieve building de-carbonization, including state directives to go carbon-neutral by 2045 under Governor's Executive Order No. B-55-18 and CPUC orders and direction to utility providers to require that energy procurement meet demand assuming building decarbonization efforts.

FISCAL IMPACT

The amendments to the 2022 California Energy Code and other provisions of the Building Standards Code are not anticipated to have any significant fiscal impact on the City.

THE ENVIRONMENTAL BENEFITS OF BUILDING DECARBONIZATION

The recommended Reach Codes are necessary to protect the environment. When fossil fuels – including natural gas – are burned to produce energy, gaseous carbon molecules ("greenhouse gases") are emitted into the atmosphere, increasing the atmosphere's greenhouse effect; the increased greenhouse effect, in turn, increases global average temperature. Increases in average global temperature cause damage to local environments. As attested in Piedmont's Climate Action Plan 2.0, Piedmont's buildings are largely outfitted with appliances that are powered by burning natural gas. These appliances emit greenhouse gases, contributing to climate change and, through climate change, causing environmental degradation.

Readoption of the recommended Reach Codes would have three primary impacts. First, the Reach Codes will insulate buildings, decreasing total energy use. Second, the Codes will replace natural gas appliances with electric appliances, most of which would be powered by East Bay Community Energy's 100% Renewable electricity plan – in effect, replacing building energy generation from natural gas with energy generation from renewable sources. Third, the Codes will facilitate the installation and use of home solar photovoltaic arrays.

In summary, the recommended Reach Codes will decrease total building energy use in Piedmont, while substituting natural gas appliances with electric appliances powered by renewable sources. Lower total demand for building energy use will mean less natural gas use and, consequently, lower greenhouse gas emissions. Additionally, energy generation from renewable wind and/or solar power has far lower total greenhouse gas emissions than does energy generation from natural gas. The recommended Reach Codes would therefore cause Piedmont buildings to emit fewer greenhouse gases, protecting the environment from climate change. (Sources used for this determination can be found at the back of this report.)

CEQA

The adoption of the ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. Additionally, this Ordinance is also exempt under Section 15308 of the CEQA Guidelines—Actions by Regulatory Agencies for Protection of the Environment, because it is a regulatory

action taken by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment.

REVIEW BY CITY ATTORNEY

The proposed modifications to the City Code, the ordinance and the CEQA determinations have been reviewed and approved by the City Attorney.

CONCLUSION, COUNCIL ACTION AND NEXT STEPS

Readoption of the recommended code revisions and ordinance will help residents reduce their natural gas use, transition to renewable electricity as a building energy source, and prepare for future power outages. Should the Council approve a first reading of the recommended ordinance on September 19, 2022, a second reading could occur as soon as October 3, 2022.

- Any approved amendments to Title 24, Part VI ("Reach Codes") must be submitted to the California Energy Commission (CEC) for certification. That process is expected to take about three months from the date City staff submits the amendments to the CEC shortly after a second reading of the ordinance. Once the CEC approves the "Reach Code" amendments City staff will file all the amendments to the California Electrical Code and the California Energy Code for certification. The code amendments under Ordinance 766 N.S. can go into effect upon this filing.

By: Alyssa Dykman, Sustainability Program Manager
Kevin Jackson, Director of Planning & Building
Paki Muthig, Chief Building Official

ATTACHMENT

	Pages	
1	15-24	Ordinance 766 N.S. – Amending Chapter 8 of the City Code Adopting 2022 State Building Standards Codes and Adopting Requirements for Energy Efficiency Measures, Photovoltaic Systems, and All-Electric Construction in New or Existing Single Family Buildings, and Determining that the Ordinance is Exempt from CEQA

Supplemental and Referenced Documents

Public Engagement Summaries

- A summary of the April 2022 Reach Code public outreach meeting is available at: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/Reach_Codes/Reach%20Code%20Community%20Forum%20-%20Meeting%20Summary.pdf?v=Uya6JmKGw

- A summary of the results of the April-May 2022 Reach Code survey is available at: https://cdn5-

hosted.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/Reach_Codes/Reach%20Code%20Online%20Community%20Survey%20-%20Topline%20Results.pdf?v=x7Wf0IMKb

Cost-Effectiveness Studies

- *2022 Cost-Effectiveness Study: New Single Family Buildings* (published August 10, 2022), which finds that all-electric new construction is cost-effective, is available at: https://explorer.localenergycodes.com/jurisdiction/piedmont-city/study-results/3-PGE?exclude_study_ids=22,19,1,2,3&only_study_type=new-buildings
- *2019 Cost-Effectiveness Study: Existing Single Family Residential Building Upgrades* (published August 2021), which finds that the water heating insulation items and high efficacy internal lights are cost-effective, is available at: https://localenergycodes.com/download/875/file_path/fieldList/2019 V2-Residential Retrofit Cost-eff Report-2021-08-27.pdf

Related City Documents and Plans

- City of Piedmont Climate Action Plan 2.0 is available at: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_13659739/File/Service/CAP%202.0_CC%20Adoption.pdf?v=3Oufp2z8t
- City of Piedmont General Plan is available at: https://piedmont.ca.gov/General_Plan
- Piedmont City Code Chapter 8, Building, Construction and Fire Prevention is available at: https://piedmont.ca.gov/UserFiles/Servers/Server_13659739/File/Government/City%20Charter%20&%20Code/Chapter%208.pdf
- Ordinance 750 N.S. is available at: https://piedmont.ca.gov/common/pages/DisplayFile.aspx?itemId=17426428
- Implementation Update of Ordinance 750 N.S. from the May 4, 2022 City Council meeting is available at: https://www.piedmont.ca.gov/common/pages/DisplayFile.aspx?itemId=18514533

Sources for determination of Reach Codes' environmental effects:

Heath, G. (n.d.). Life Cycle Assessment Harmonization. *NREL*. Retrieved from https://www.nrel.gov/analysis/life-cycle-assessment.html

Hoegh-Guldberg, O., Jacob, D., Bindi, M., Brown, S., Camilloni, I., Diedhiou, A., ... & Hijioka, Y. (2018). Impacts of 1.5 C global warming on natural and human systems. *Global warming of 1.5° C. An IPCC Special Report*. Retrieved from https://www.ipcc.ch/site/assets/uploads/sites/2/2019/02/SR15_Chapter3_Low_Res.pdf

Oreskes, N. (2004). The scientific consensus on climate change. *Science*, *306*(5702), 1686-1686. Retrieved from https://science.sciencemag.org/content/306/5702/1686/tab-pdf

US Environmental Protection Agency. (n.d.). Overview of Greenhouse Gases. Retrieved from https://www.epa.gov/ghgemissions/overview-greenhouse-gases

ORDINANCE NO. 766 N.S.

AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY CODE ADOPTING 2022 STATE BUILDING STANDARDS CODES AND ADOPTING REQUIREMENTS FOR ENERGY EFFICIENCY MEASURES, PHOTOVOLTAIC SYSTEMS, AND ALL-ELECTRIC CONSTRUCTION IN NEW OR EXISTING SINGLE FAMILY BUILDINGS.

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose and intent of the City Council of the City of Piedmont in adopting this Ordinance to expressly enact local amendments to Residential Code Section R106, Energy Code Sections 100.0, 100.1, 150.0, 150.1, and 150.2, and Electrical Code Sections 210.52 and 220.83 of the 2022 California Building Code applicable to new construction and additions and alterations to existing buildings to provide standards for new and existing buildings to improve community health and safety while reducing greenhouse gas emissions.

SECTION 2. FINDINGS

Pursuant to Sections 17922, 17958, 17958.5, and 17958.7 of the California Health and Safety Code, the City may make amendments to the provisions of the 2022 California Residential Code, the 2022 California Electrical Code and the 2022 California Energy Code which are reasonably necessary to protect the health, welfare and safety to the residents of Piedmont because of local climatic, geological and topographical conditions.

The City Council hereby makes the following findings with respect to local geological, topographical, and climatic conditions relating to the amendments to the California Building Standards Code for each of the below amendments, to the extent such findings are required:

A. The San Francisco Bay area region is densely populated and located in an area of high seismic activities. The City is bounded by the Hayward and San Andreas faults capable of producing major earthquakes; and

B. Concern for fire-life safety associated with gas appliances and associated piping located in the ground and in the buildings increase the risk of explosion or fire if there is a structural failure due to a seismic event considering the increasing density of buildings in the region; and

C. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited resources of the Fire Department resulting to meet the fire and life safety needs of the community; and

D. Solar infrastructure on buildings reduces the need for pipelines and electrical transmission lines; and

E. The local geographic, topographic, and climatic conditions pose an increase hazard in acceleration, spread, magnitude and severity of potential fires in the City, and may cause a delayed response from emergency responders, allowing further growth of the fire; and

F. Over the next century, increasing levels of atmospheric greenhouse gas concentrates are expected to result in global temperature increases, and based on scientific literature and studies are likely to cause a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended period of drought. Local geographic, topographic and climatic conditions include risk of the following:

    a. Fires. Piedmont is a hillside community and most of the structures are single-family dwellings built on sloping terrain. The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits but did not damage any structures. Piedmont has the same climatic and topographical conditions as those areas affected by the nearby 1991 fire. In most areas of Piedmont, the dwelling units are located in close proximity to one another and in many cases are less than 8 feet apart. Fires can easily spread from house-to-house and are more readily spread upslope in the direction of prevailing winds. As referenced by CalFire's Fire and Resource Assessment Program (FRAP), Wildland Urban Interface Map, all of Piedmont is within or immediately adjacent to an Interface or Influence Zone. All areas of Piedmont are located in a Wildland-Urban Interface (WUI) zone, which allows for heightened construction and regulatory standards to mitigate the spread of wildfires. In addition, wildfires located outside the area in 2018 and 2019 created a blanket of toxic smoke over the City, causing the worst air quality on record by the Bay Area Air Quality Management District for two consecutive weeks; and

    b. Landslides. Extreme storms as a result of climate change increases the chance of rainfall-induced landslide; fire and drought may kill vegetation in the City's WUI zone increasing runoff and potential for landslide; and

    c. Heat: Increased heat as a result of climate change can have a local impact on the health, safety and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, or those with children; and

G. Failure to address and substantially reduce greenhouse gas emissions creates an increased risk to the health, safety and welfare of the City residents, the City Council considers and adopts as findings the analysis contained in the staff report; and

H. Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the City Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist; and

I. The provisions of this Ordinance establish more restrictive standards than the California Building Standards Code which will better serve to prevent or minimize structural damage and other impacts resulting from such local conditions; and

The City Council hereby also makes the additional following findings with respect to cost effectiveness for each of the below amendments, to the extent findings are required:

A. An August 10, 2022 study prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, funded by California utility ratepayers, and submitted to the California

Energy Commission – "2022 Cost-Effectiveness Study: New Single Family Buildings" – found the proposed all-electric new construction amendment to the Building Energy Efficiency Standards to be cost-effective.

B. An August 27, 2021 study prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, funded by California utility ratepayers, and submitted to the California Energy Commission – "2019 Cost-Effectiveness Study: Existing Single Family Residential Building Upgrades" – found the proposed list items related to water heating are cost effective. This study also found that the proposed solar installation requirement, and a requirement for non-high efficacy internal lights be replaced with high efficacy internal lights was cost-effective.

C. Based on the foregoing studies, staff reports, and testimony of staff, the Ordinance's amendments to the Building Energy Efficiency Standards are cost-effective; and

D. The Department of Energy sets the minimum efficiency standards for equipment and appliances; none of the provisions in this Ordinance change minimum efficiency standards or regulations for covered products under the Energy Policy and Conservation Act, and therefore this Ordinance is not preempted by federal appliance regulations; and

E. This Ordinance's amendments to the Building Energy Efficiency standards will require buildings to achieve increased energy reductions.

SECTION 3. AMENDMENT TO SECTION 8.02.010

Section 8.02.010 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

"The following 2022 California Building Standards Code, California Code of Regulations, Title 24, is hereby adopted by reference, as more specifically identified below. A copy of these codes will be kept on file at the Planning & Building Department.

A. 2022 California Residential Code, Part 2.5 of Title 24 of the California Code of Regulations, including Appendices AK and AX.

B. 2022 California Building Code of Regulations, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2 and Appendices D, F, G, H, I, and J.

C. 2022 California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations, including its appendices.

D. 2022 California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations, and its appendices.

E. 2022 California Electrical Code, Part 3 of Title 24 of the California Code of Regulations, and its annexes.

F. 2022 California Energy Code, Part 6 of Title 24 of the California Code of Regulations including all of its appendices.

G. 2022 California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations, including all of its appendices.

H. 2022 California Referenced Standards Code, Part 12 of Title 24 of the California Code of Regulations, including all of its appendices.

I. 2022 California Administrative Code, Part 1 of Title 24 of the California Code of Regulations, and its appendices.

J. 2022 California Historical Building Code, Part 8 of Title 24 of the California Code of Regulations, including all of its appendices.

K. 2022 California Existing Building Code, Part 10 of Title 24 of the California Code of Regulations, including all of its appendices.

L. 2022 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices A through O."

SECTION 4. AMENDMENT TO SECTION 8.02.020

Section 8.02.020 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

"This section amends the 2022 California Residential Code as adopted in Section 8.02.010, as set forth below.

A. Section R106 – Construction Documents. Section R106 is amended to add the following subsection R106.6:

R106.6 Renovation Energy Efficiency Upgrades and Electrification
An alteration of or addition to a single family building, with a stated project value of $30,000[1] or more, is required to submit documentation that one item from the following list of energy efficient measures is included in the scope of work, in addition to any requirements imposed under California Energy Code section 150.2. An alteration of or addition to a single family building with a stated project value of $115,000[2] or more shall require the inclusion of two items from the energy efficient measures below in the scope of work.

Energy Efficient Measures and Electrification:

[1] The amount of $30,000 shall be automatically adjusted for inflation annually on January 1 of each year beginning in 2024 based upon the California Construction Cost Index published by the California Department of General Services from data produced by the Engineering News Record.
[2] The amount of $115,000 shall be automatically adjusted for inflation annually on January 1 of each year beginning in 2024 based upon the California Construction Cost Index published by the California Department of General Services from data produced by the Engineering News Record.

A. Install R-49 attic insulation, and apply air sealing practices in all accessible areas of the building. Seal ducts to meet the requirements of Section 150.2(b)1.E of the 2022 California Energy Code.
B. Install R-13 wall insulation on exterior walls to meet the requirements of Section 150.0(c) of the 2022 California Energy Code.
C. Install R-19 insulation at raised floor assemblies meeting standards of 2022 California Energy Code Section 150.0(d).
D. Install R-3 insulation on all accessible hot water piping. Install R-6 insulation to the exterior of existing residential tank storage water heaters.
E. Replace all screw in incandescent and CFL lamps with screw in LED lamps in all light fixtures per 2022 California Energy Code Section 150.0(k).
F. Replace Fuel Gas furnace with an electric heat pump system meeting the Requirements of the 2022 California Energy Code Section 150.2(b)C or with another high efficiency electric space heating system if approved by the Building Official.
G. Replace Fuel gas water heater with a heat pump water heater meeting the requirements of 2022 California Energy Code Section 150.2(b)H.iii.(b) or 150.2(b)H.iii.(c), or with other high efficiency electric water heating system per approval of the Building Official.
H. Implement one or more recommendations specified in a Home Energy Score or Home Energy Audit report that has been completed within five years and that is submitted with the application for a building permit, with the approval of such recommendation by the Building Official.

Exceptions:

1. A Home Energy Score Report for the single family building, completed within 5 years, demonstrating that the building already has a minimum Home Energy Score of 7, is submitted to the Building Official.

2. In accordance with Section R104.10 Modifications, the Building Official shall not require the installation of R 106.6 Renovation Energy Efficiency Upgrades, Measures F and/or G if one or more of the following conditions apply:

a. The unique features of the construction of the single family building structure, including, but not limited to existing heating and/or cooling system(s) that are not configured for conversion to forced air systems preclude installation of those measures.
b. The installation of the measures is not commensurate with the project's scope and budget, as determined by the Building Official, because the cost of those measures would exceed 20% of the total project cost or require substantial construction in areas of the residential structure that would otherwise not be part of the project.

B. Section R202 – Definitions. Section R202 – Definitions is amended to replace the definition of crawlspace with the following, and add the following definition of Home Energy Score:

CRAWL SPACE. An underfloor space with a maximum height of 5 feet that is not a basement.

HOME ENERGY SCORE. Home Energy Score means the score provided by a Home Energy Score Certified Assessor following an assessment of a property, using the Home Energy Score Scoring Methodology developed by the U.S. Department of Energy."

SECTION 5. AMENDMENT TO SECTION 8.02.060

Section 8.02.060 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

"This section amends the 2022 California Electrical Code as adopted in Section 8.02.010, as set forth below.

A. Subsection 210.52(F) Laundry Areas. Section 210.52(F) is replaced in its entirety as follows:

> **"(F) Laundry Areas**. In dwelling units, at least one receptacle outlet shall be installed in areas designated for the installation of laundry equipment. At least one 120/240v, 30 ampere circuit shall be installed within 6 feet of appliance location in accordance with Section 210.50(C).
>
> *Exception No. 1: A receptacle for laundry equipment shall not be required in a dwelling unit of a multifamily building where laundry facilities are provided on the premises for use by all building occupants.*
>
> *Exception No. 2: A receptacle for laundry equipment shall not be required in other than one-family dwellings where laundry facilities are not to be installed or permitted."*

B. Section 210.52 Dwelling Unit Receptacle Outlets. Section 210.52 is amended to add the subsection:

> **(J) Kitchen Cooking Appliances**. At least one 240v 50 ampere circuit shall be installed within 6 ft. of the appliance location, in accordance with Section 210.50(C).

C. Section 220.83 Existing Dwelling Unit. Section 220.83 is replaced in its entirety as follows:

> **220.83 Existing Dwelling Unit.** This section shall be permitted to be used to determine if the existing service or feeder is of sufficient capacity to serve additional loads. Where the dwelling unit is served by a 120/240-volt or 208Y/120-volt, 3-wire service, calculate the total load in accordance with Section 220.83(B).
>
> (A) **Where Additional Air Conditioning Equipment or Electric Space-Heating Equipment Is Not to Be Installed.** *This section is deleted in its entirety*.
>
> (B) **Where Additional Air Conditioning Equipment or Electric Space Heating Equipment Is to Be Installed.** The following percentages shall be used for existing

and additional new loads. The larger connected load of air-conditioning or space-heating, but not both, shall be used.

Load	Percent of Load
Air-conditioning equipment	100
Central electric space heating	100
Less than four separately controlled space-heating units	100
First 8 kVA of all other loads	100
Remainder of all other loads	40

Other loads shall include the following:

(1) General lighting and general-use receptacles at 33 volt-amperes/m^2 or 3 volt-amperes/ft^2 as determined by 220.12

(2) 1500 volt-amperes for each 2-wire, 20-ampere small-appliance branch circuit and each laundry branch circuit covered in 210.11(C)(1) and (C)(2)

(3) The nameplate rating of the following:
   a. All appliances that are fastened in place, permanently connected, or located to be on a specific circuit
   b. Wall-mounted ovens, counter-mounted cooking units
   c. Water heaters

(4) One 30 ampere circuit for clothes dryers per Section 210.52(F)

(5) One 50 ampere circuit for induction range per Section 210.52 (J)

(6) One 40 ampere circuit for electric vehicle charging station per Article 625."

SECTION 6. AMENDMENT TO SECTION 8.02.070

Section 8.02.070 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

"This section amends the 2022 California Energy Code as adopted in Section 8.02.010, as set forth below.

A. Section 100.0 – Scope. Section 100.0(e)(2)(D) is amended to add a new subsection section (iii) as follows:

> "(iii) New construction single family buildings shall be an All-Electric Building or All Electric Design as defined in Section 100.1(b)."

B. Section 100.1(b) – All Occupancies – General Provisions. Section 100.1(b) is amended to include the following definition:

> **ALL-ELECTRIC BUILDING** or **ALL-ELECTRIC DESIGN** is a building or building design that uses a permanent supply of electricity as the only source of energy for space conditioning (including heating and cooling), water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed at the building.

C. Section 150.1 – Performance and Prescriptive Compliance Approaches for Single-Family Residential Buildings. Section 150.1 is amended to add a new subsection (4) as follows:

> 4. New construction single family buildings shall be an All-Electric Building or All Electric Design as defined in Section 100.1(b).

D. Section 150.0 – Mandatory Features and Devices. Section 150.0 is amended to replace the introductory sentence and note in their entirety as follows:

> Single family buildings shall comply with the applicable requirements of Sections 150(a) through 150(v).
>
> NOTE: The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to additions or alterations.

E. Section 150.0(e) – Installation of fireplaces, decorative gas appliances and gas logs. Section 150.0(e) is amended to add the following sentence to the beginning of the section:

> In any single family building required to be an All-Electric Building or All Electric Design under this code, interior and exterior fireplaces shall be electric, not fueled by Fuel Gas.

F. Section 150.0(h) – Space-conditioning equipment. Section 150.0(h) is amended to add the following sentence to the beginning of the section:

> In any single family building required to be an All-Electric Building or All Electric Design under this code, construction space-conditioning equipment shall be electric, not fueled by Fuel Gas.

G. Section 150.0(n) – Water heating system. Section 150.0(n) is amended to add the following sentence to the beginning of the subsection:

> In any single family building required to be an All-Electric Building or All Electric Design under this code, heating systems and equipment shall be electric, not fueled by Fuel Gas.

H. Section 150.0(u) – Electric cooktop ready. Section 150.0 is amended to add the following sentence to the beginning of the section (u):

> In any single family building required to be an All-Electric Building or All Electric Design under this code, cooking appliances shall be electric, not fueled by Fuel Gas.

I. Section 150.0(v) – Electric clothes dryer ready. Section 150.0(v) is amended to add the following sentence to the beginning of the section (v):

In any single family building required to be an All-Electric Building or All Electric Design under this code, clothes dryers shall be electric, not fueled by Fuel Gas.

J. Subsection 150.2(a) – Additions. Section 150.2(a) is amended to add the following language after the first sentence:

Requirements for installation of all-electric water heating systems, space conditioning equipment, fireplaces and decorative gas appliances, and clothes drying appliances, and cooking appliances as specified for new construction in Sections 150.0(e), 150.0(h), 150.0(n), 150.0(u), and 150.0(v) do not apply to additions.

K. Section 150.2(a) – Additions. Section 150.2(a) is amended to replace Exception 6 in its entirety as follows:

Exception 6 to Section 150.2(a): Photovoltaic systems, as specified in Section 150.1(c)14 including the exceptions listed therein, are not required for additions, except that additions of an entirely new upper level or that increase the building's total roof area by thirty percent (30%) or more shall meet the photovoltaic requirements of Section 150.1(c)14.

L. Section 150.2(b) – Alterations. Section 150.2(b) is amended to add the following language after the first sentence:

Requirements for installation of all-electric water heating systems, space conditioning equipment, fireplaces and decorative gas appliances, and clothes drying appliances, and cooking appliances as specified for new construction in Sections 150.0(e), 150.0(h), 150.0(n), 150.0(u), and 150.0(v) do not apply to alterations."

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis 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. Staff shall prepare and file a notice of exemption in accordance with this determination and the requirements of CEQA.

SECTION 8. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 9. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective on the later of (i) January 1, 2023, or (ii) upon the date that the amendments reflected in this Ordinance are approved by the California Energy Commission. The City Clerk shall cause a copy of this Ordinance to be filed with the California Energy Commission and the California Building Standards Commission in the manner required by law.

[END OF ORDINANCE]