

ORDINANCE O2019-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE NAPA MUNICIPAL CODE CHAPTER 15.04, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, AND 12, INCLUDING APPENDICES IDENTIFIED HEREIN), INCLUDING ADOPTION OF LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA.

WHEREAS, the California Building Standards Commission ("Commission") adopts a comprehensive update to the California Building Standards Code every three years; and

WHEREAS, the Commission completed the adoption of the 2019 update to the California Building Standards Code ("2019 Code") on January 30, 2019, with updates made available to the public by July 1, 2019, and an effective date of January 1, 2020; and

WHEREAS, if the City takes no action regarding the 2019 Code (without appendices), it shall become effective in the City of Napa on January 1, 2020, pursuant to California Health and Safety Code Section 17958, and pursuant to the 2019 Code Part 2 (the "2019 California Building Code"), Chapter 1, Section 101.4; and

WHEREAS, the City is authorized to adopt amendments to the 2019 Code in order to incorporate appendices, address unique administrative requirements of the City, and to modify building standards to the extent that the modifications are reasonably necessary because of local climatic, geological, or topographical conditions pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, and California Government Code Section 50022.2; and

WHEREAS, the City has previously adopted local amendments to previous versions of the California Building Standards Code, and codified those local amendments at Napa Municipal Code Chapter 15.04; and

WHEREAS, the City Council finds that further amendments to Napa Municipal Code Chapter 15.04 are warranted in order to adapt parts of the 2019 Code to the unique administrative requirements of the City and to address local climatic, geological, or topographical conditions; and

ATTACHMENT 1

WHEREAS, the City Council determines that the adoption of this Ordinance is exempt from the requirements of CEQA pursuant to Section 15061(b)(3), of the CEQA Guidelines in that the adoption of state codes and local amendments herein described do not have the potential for having a significant effect on the environment; and

WHEREAS, the City Council hereby finds that, in order to best protect the health, safety and welfare of the residents of the City of Napa, the standards of building within the City must conform to state law except where local conditions warrant more restrictive regulations. Based on the materials presented and following the recommendation of, City Staff, the Chief Building Official and the City Fire Marshal, the City Council finds that local amendments to portions of the 2019 Code, as identified in Attachment A (including changes to the 2019 California Building Code, Residential Code, Plumbing Code, Mechanical Code, Electrical Code, Green Building Standards Code ("CALGreen Code") and Fire Code) are reasonably necessary due to the local climatic, geological, or topographical conditions identified herein. Local amendments to the 2019 California Fire Code are warranted due to local climatic and meteorological conditions as described more fully below. The City Council further finds that it is necessary to make local amendments to the 2019 California Building Code in order to achieve greater energy and water use efficiency than is provided for by the 2019 CALGreen Code. Under the provisions of California Health and Safety Code Section 17958.5, the City Council hereby finds that the following local conditions exist to justify the adoption of the proposed local amendments and modifications to the 2019 Code (Note: Findings A-E are made in support of the City's modification of requirements of the 2019 Building, Residential, and Fire Codes; Findings F-N are made in support of the City's amendments to the 2019 CALGreen Code, including the modification of requirements, and adoption as mandatory of measures identified as voluntary in Appendices A4 and A5 of the 2019 CALGreen Code)

- A. The City of Napa experiences periods of high temperatures accompanied by low humidity and seasonal high winds. These factors can cause small fires to spread quickly, and are a contributing factor to the high fire danger in Napa County, and create a need for an increased level of fire protection. This added protection in the form of fire sprinklers will supplement normal fire department response available and provide immediate protection for life and safety of residents during fire occurrence.
- B. The City of Napa is located in a semi-arid Mediterranean type climate which predisposes all fuels including wood shingles, to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.
- C. The City of Napa is located in a region that contains active fault zones: The San Andreas, Hayward, Calaveras, and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley, and West Napa. After a large seismic event, the potential for multiple fires and hazardous materials incidents occurring simultaneously will tax available firefighting resources. Built-in fire protection and limitations on the quantity of certain hazardous materials will assist in extinguishing or controlling fires in

- structures and limit the extent of hazardous materials releases which will increase the availability of firefighting resources after a seismic event.
- D. Traffic circulation congestion presently existing in the City of Napa often places Fire Department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway and road system will occur. This condition makes the need for additional on-site fire protection for property occupants necessary.
 - E. The City of Napa is divided geographically into three parts by the north/south flow of the Napa River and the north/south orientation of State Highway 29. The east and west portions of the City contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due to increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built-in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.
 - F. In order for the City of Napa to attain greenhouse gas emission reduction targets as set forth in State Assembly Bill 32, the state Global Warming Solutions Act, and reduce emissions levels to 1990 levels in metric tons, the City will need to reduce Citywide greenhouse gas emissions by 157,769 metric tons, or 29% from baseline 2005 levels.
 - G. Within the City of Napa, buildings are one of the most significant sources of greenhouse gas emissions accounting for approximately one-third of all such emissions. Establishing expectations for energy efficiency through the 2019 CALGreen Code will enable the City of Napa to contribute in a meaningful manner to the State's goals for reducing greenhouse gas emissions. Such adoption of more stringent energy efficiency standards is encouraged by the State (CALGreen has been explicitly identified as a "floor") and is feasible for local builders and developers, given recent developments in energy efficient building construction materials and methods.
 - H. The reduction of fossil fuel consumption by implementing and utilizing high performance building practices such as sustainable materials, more stringent energy efficiency standard, mechanical system efficiencies and the use of renewable sources of energy will help to reduce greenhouse gas emissions within the City of Napa.
 - I. Napa County, including the City, is home to a particularly diverse population of native flora, which supports a wide array of wildlife, including many rare, threatened and endangered species. Scientific evidence suggest that the rising mean temperatures associated with climate change as a result of greenhouse gas emission may cause species to migrate to northern latitudes and can create conditions conducive to invasive species or weeds, insects and other threats to native species and pathogens. The establishment of the City's high-performance building ordinance has encouraged landscaping strategies that create conditions favorable to native species of plants,

beneficial insects and wildlife corridors that will contribute to the health of the County's ecosystem and agriculture.

- J. With warming average temperatures, more winter precipitation is likely to fall in the form of rain instead of snow, shortening the winter snowfall season and accelerating the rate of spring snowmelt. The City relies primarily on a system of surface water collection and reservoirs for its water supply, and the changed hydrologic conditions presented by increased winter rainfall and decreased snowpack could potentially result in an adverse impact to availability of outside City water supplies creating the need for additional reservoir storage capacity. The high-performance building ordinance will promote efficient use and conservation of water, goals of great importance for a community with a Mediterranean climate, and goals that prepare the City to adapt to the water supply effects of climate change.
- K. The City of Napa is located in an agricultural region, and airborne pollutants create a significant set of public health challenges, among them, asthma. Local amendments that set standards affecting indoor air quality that are higher than those in the 2019 CALGreen Code are necessary to reduce respiratory health problems in this agricultural area.
- L. Tourism is an important ingredient in the economic vitality of the City of Napa. Increasingly, sustainability and "green" practices are ingredients sought by high-end visitors. The City has taken care to brand itself as a destination that features both luxury and sustainability; and this combination of attractive qualities is significant for future prosperity. Setting ambitious standards for new construction will help guarantee the City's future as a destination that offers both elegance and environmental stewardship.
- M. The City of Napa is home to a community of architects, developers, and builders who are leaders in their industries and who keep up-to-date on design and construction methods that increase the efficiency, lower the life cycle costs and protect the aesthetic qualities of new construction. This business community is well prepared to manage local expectations that are more ambitious than those contained in the 2019 CALGreen Code.
- N. The City of Napa is proud of its historic architectural heritage and appropriately views this heritage as a valued quality for both residents and visitors. Adoption of the local amendments for high performance new construction will help assure that new additions to the City's building stock are well-designed and well-constructed additions to the City's heritage.
- O. The City Council hereby finds that the adoption of local amendments and heightened building standards are reasonably necessary in order to increase fire safety, achieve greater energy and water use efficiency than is provided for by the 2019 CALGreen Code, to reduce overall greenhouse gas emissions consistent with state directives, and that the implementation of measures more restrictive than those set forth under the state building code is warranted by the specific climatic, geographical and topographic conditions set forth in greater detail above.

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WHEREAS, the City Council hereby finds that the facts and findings set forth in the recitals to this Ordinance accurately reflect the findings and determinations of the City Council, and form the basis for adoption of this Ordinance

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Amendment. Napa Municipal Code Chapter 15.04 is hereby amended by repealing the previous language in its entirety and adopting language to read as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 11: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

ATTACHMENT 1

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 19th day of November, 2019, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney