

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING AN INCENTIVE PROGRAM TO ENCOURAGE VOLUNTARY COMPLIANCE WITH ALL-ELECTRIC APPLIANCES AND EQUIPMENT IN CERTAIN BUILDING PERMIT APPLICATIONS

WHEREAS, Section 4.509 of Chapter 4 and Section 5.509 of Chapter 5 of Article 10 of the current Ventura County Building Code (VCBC) contain provisions for all-electric appliances and equipment in new construction intended for the reduction of greenhouse gases, as adopted by the Ventura County Board of Supervisors in 2022; and

WHEREAS, Section 4.509 of the VCBC as adopted by Ventura County includes a requirement that: all newly constructed residential buildings shall be designed and constructed to be all-electric buildings having no natural gas burning appliances or equipment with certain exceptions and specifies that qualifying additions were those exceeding 50% of the area of the existing building and that qualifying alterations were defined as those exceeding 50% of the estimated value of the existing building; and

WHEREAS, Section 5.509 of the VCBC as adopted by Ventura County includes a requirement that: all newly constructed non-residential buildings shall be designed and constructed to be all-electric buildings having no equipment or appliances that use natural gas with certain exceptions and specified that qualifying additions were those exceeding 50% of the area of the existing building and that qualifying alterations were defined as those exceeding 50% of the estimated value of the existing building; and

WHEREAS, a similar all-electric requirement imposed by the City of Berkeley was legally challenged in federal court, and the Ninth Circuit Court of Appeal ruled in *California Restaurants Association v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094, that the City of Berkeley's all-electric requirement was preempted by federal law and could therefore not be imposed by the City of Berkeley; and

WHEREAS, the VCBC's all-electric provisions set forth in Sections 4.509 and 5.509 are similarly preempted by federal law and cannot be imposed by the County of Ventura; and

WHEREAS, in order to comply with the aforementioned legal authority, the Ventura County Board of Supervisors is amending the all-electric provisions of Sections 4.509 and 5.509 to make compliance with the provisions voluntary instead of mandatory; and

WHEREAS, the Ventura County Board of Supervisors finds a public benefit in incentivizing the voluntary use of all-electric equipment in new construction in order to continue reducing the production in greenhouse gases in new construction; and

WHEREAS, the County of Ventura's expedited review of building plans during the permitting process is a service that can be sought by applicants for larger projects, for which the corresponding fee for such service is 35% of the Plan Review fees; and

WHEREAS, a 50% reduction in this fee to 17.5% of the Plan Review Fees, is likely to make for an attractive incentive to using all-electric equipment in new construction projects voluntarily; and

WHEREAS, the types of construction projects that would be eligible to participate in this incentive program would be new residential and non-residential buildings seeking a building permit, additions of at least 50% of the area of an existing residential or non-residential building, and alterations that exceed 50% of the estimated value of the existing building; and

WHEREAS, this incentive program would sunset on December 31, 2025, unless extended by the Board of Supervisors by subsequent action;

NOW, THEREFORE, BE IT RESOLVED that the Ventura County Board of Supervisors hereby resolves that a 50% reduction in the fee charged for expedited plan review services shall be provided for building permit applications pertaining to new residential and non-residential buildings seeking a building permit, additions of at least 50% of the area of an existing residential or non-residential building, and alterations that exceed 50% of the estimated value of the existing building, provided that: (1) such building permit application is submitted prior to January 1, 2026; and (2) the applicant voluntarily specifies on their plans and permit documents the installation of all-electric appliances and equipment to the extent that would have been required under original, 2022 versions Sections 4.509 and 5.509 of the VCBC (i.e., gas appliances may be included in eligible projects if identified in the exceptions listed in Sections 4.509.2 and 5.509.2, subparts 1 through 4, respectively) which are attached hereto as Exhibit A and incorporated herein by this reference.

Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby adopts the foregoing resolution on this 24th day of September, 2024.

Kelly Long
Chair, Board of Supervisors
County of Ventura

ATTEST:

Dr. Sevet Johnson
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

EXHIBIT A

**FORMER SECTIONS 4.509 AND 5.509
OF THE VENTURA COUNTY BUILDING CODE**

CHAPTER 4 RESIDENTIAL MANDATORY MEASURES

SECTION 4.509 REDUCTION OF GREENHOUSE GASES

Section 4.509 is added in the VCBC to read as follows:

1.509.1 All electric equipment and appliances. *In order to reduce the amount of greenhouse gases produced by equipment and appliances in buildings, all new residential buildings, qualifying additions, and qualifying alteration projects shall be constructed to comply with Sections 4.509.2 through 4.509.4 so that they do not use combustion equipment, except where otherwise allowed by this code.*

4.509.2 New residential buildings. *All newly constructed residential buildings shall be designed and constructed to be all-electric buildings having no natural gas burning appliances or equipment.*

Exceptions:

1. *Indoor and outdoor fireplaces and fire pits*
2. *Outdoor grills and other outdoor cooking appliances*
3. *Swimming pool and spa heaters*
4. *Emergency standby generators*
5. *If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification to allow the use of natural gas space heating equipment.*

4.509.3 Qualifying additions. *When the size of the addition exceeds 50% of the area of the existing building, then all appliances and equipment serving the addition shall be all-electric.*

Exceptions: *The exceptions for new residential buildings also apply to qualifying additions.*

4.509.4 Qualifying alteration projects. *When the value of the alteration exceeds 50% of the estimated value of the existing building, then all appliances and equipment serving the altered area shall be all-electric.*

Exceptions: *The exceptions for new residential buildings also apply to qualifying alteration projects.*

CHAPTER 5 NON-RESIDENTIAL MANDATORY MEASURES

SECTION 5.509 REDUCTION OF GREENHOUSE GASES

Section 5.509 is added in the VCBC to read as follows:

5.509.1 All electric equipment and appliances. *In order to reduce the amount of greenhouse gases produced by equipment and appliances in buildings, all new non-residential buildings, qualifying additions, and qualifying alteration projects shall be constructed to comply with Sections 5.509.2 through 5.509.4 so that they do not use combustion equipment, except where otherwise allowed by this code.*

5.509.2 New non-residential buildings. *All newly constructed non-residential buildings shall be designed and constructed to be all-electric buildings having no equipment or appliances that use natural gas.*

Exceptions:

1. *Indoor and outdoor fireplaces and fire pits*
2. *Swimming pool and spa heaters*
3. *Emergency standby generators*
4. *Restaurants and other for-profit kitchens*
5. *Nonresidential buildings containing specialized commercial or industrial equipment, may qualify for a modification to install commercial or industrial equipment served by natural gas when a finding is made by the Building Official that the following conditions exist:
 - a. *A business-related need exists for the use of combustion equipment, and*
 - b. *The need cannot be performed equivalently with an electrical appliance**
6. *If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification to allow the use of natural gas space heating equipment.*

5.509.3 Qualifying additions. *When the size of the addition exceeds 50% of the area of the existing building, then all appliances and equipment serving the addition shall be all-electric.*

Exceptions: *The exceptions for new non-residential buildings also apply to qualifying additions.*

5.509.4 Qualifying alteration projects. *When the value of the alteration exceeds 50% of the estimated value of the existing building, then all appliances and equipment serving the altered area shall be all-electric.*

Exceptions: *The exceptions for new non-residential buildings also apply to qualifying alteration projects.*