

October 11, 2022

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Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Ave.
Ventura, CA 93009-1740

RE: Comments on the Update to the County Building Code

Dear Chair Lavere and Honorable Members of the Board:

Thank you for the opportunity to provide comments on the proposed update to the County Building Code.

Existing Buildings Constructed Prior to 2008

VC CoLAB recognizes and appreciates Building and Safety staff's efforts to address both the need for improved fire-hardening of existing structures and the need to avoid creating economic hardship for property owners and project applicants. We support the proposed updated language establishing a 50% size/value threshold for required fire-hardening and the 10% of the project cost maximum cap on fire-hardening upgrade costs.

We suggest that the County *consider adding a provision that would allow for project applicants to request a waiver on a case-by-case basis that would allow for lowering the 10% cap on projects involving remodeling or upgrading of low-income and farmworker housing units.* Adding such a waiver may help the County avoid inadvertently and unintendedly discouraging these much-needed types of residential structures from being upgraded and improved.

Some locations participate in programs that assist homeowners and project applicants with the cost of fire-hardening existing residential structures (one example: <https://yubafiresafe.org/home-hardening-cost-share-program/>). We encourage the County to *support establishing such a program here in Ventura County* (with received cost-share funding applied towards the applicant's 10% cost cap). The County's goal is for communities to become more resilient and less susceptible to damage and destruction from wildfires over time. Cost-sharing programs have the potential to shorten the overall timeline for achieving this goal.

New Construction Near Tall Slopes

We appreciate that the proposed Building Code update provides project applicants with options to meet requirements for construction near tall slopes. It would be helpful for public review and future project applicants if the County *provided a map of the locations where these specific requirements may be required*. Providing this information in the most easily understood (often visual: a map) and easily accessible manner will assist future project applicants in planning for and meeting permitting requirements more quickly and collaboratively with the County. A map link might be added to the Building and Safety Division website or as a layer on the County's CountyView GIS map (maps.ventura.org/Countyview).

Some future projects may inadvertently fall into situations where the proposed requirements under the Building Code conflict with requirements and direction from other County ordinances. One such example: Some of the existing structures in the County's wildland-urban interface areas were constructed over 50 years ago and could potentially be cultural heritage sites. Such sites are subject to the County's Cultural Heritage Ordinance and oversight by the County's Cultural Heritage Board. It is reasonably foreseeable that an extensive remodeling or upgrade project at such a site may trigger fire-hardening/fire-resistance requirements. However, the fire-hardening/fire-resistance structure requirements may not align with the restrictions on cosmetic and structural changes found in the Cultural Heritage Ordinance. To ensure that project applicants can maneuver the County's permitting process in a cost-effective and timely manner (and avoid getting "stuck" between two or more conflicting ordinances), we recommend that the County *conduct an internal review of its ordinances and permitting requirements for potential conflicts and develop a process to help project applicants address these potential conflicts*.

It is unclear how these proposed provisions would apply to non-residential/non-commercial structures, such as barns (often designed and built to have permanent open-air structural features), workshops, and equipment storage structures. *Additional information regarding potential exemptions for these types of (non-inhabited) structures and examples of how the proposed requirements may be met may be needed*.

Proposed Provisions for All-Electric Buildings

The reach code is the subject of existing litigation and settlement negotiation discussion:

The proposed provisions for all-electric buildings ("reach code") are part of ongoing, active litigation. The court hearing for the lawsuit regarding general plan policies that harm agriculture (including any proposed reach code) is anticipated for late December 2022.

In addition, County attorneys contacted VC CoLAB and VCAA last week to begin settlement negotiations to attempt to resolve issues identified in the lawsuit. The County's communication to VC CoLAB recognized that a potential reach code is an issue to be discussed in settlement negotiations.

As the reach code is an issue both under active litigation and a topic that will be part of settlement negotiations with VC CoLAB and Ventura County Agricultural Association (VCAA), it is premature and inappropriate for the Board of Supervisors to adopt any reach code at this time. Instead, we urge the County to consider adopting the updated building code **without proposed reach code provisions** at this time. Once the parties have resolved the issue in court or successfully negotiated provisions as part of settlement discussions, the County can amend the updated building code as necessary.

Cost and affordability issues:

Before adopting a reach code, a local government must make an official finding that the new requirements are cost-effective. Review of the generic statewide reach code cost-effectiveness report templates show significant gaps in collected data and cost analysis to address Ventura County's specific local situation. Two examples of significant gaps in data and analysis include the cost reports for space heating and water heaters (which assumed no additional cost for electrical panel and infrastructure upgrades) and for ducted heat pumps (which assumed that single and multi-family residences could simply replace existing AC units and not incur the costs of incremental labor).

Neither of these assumptions can be applied directly to Ventura County residential structures.

The average age of a residential structure in Ventura County is approximately 60 years old. The County cannot assume that the average, aged residential structure in the County has the electrical infrastructure that would allow for the addition of electrical-only appliances without the need for electrical panel and other (potentially extensive) infrastructure upgrades. Fully electrified homes cannot get by on smaller 100-amp or 125-amp electric services. Costs for individual consumers can range from \$5,000 for a simple electric service upgrade to well over \$20,000 if underground wiring or transformers need to be updated.

In addition, with Ventura County's historically temperate year-round temperatures, the County cannot assume that all these 60+-year-old residential structures have existing AC infrastructure. Conversion to ducted heat pumps will require expenditures for labor and retrofitting. And older residential structures without upgraded electrical infrastructure and installed AC are more prevalent in communities and residences inhabited by Ventura County's lower-income populations - resulting in these unaccounted-for costs falling disproportionately on the County's most vulnerable residents.

It is essential that the County accurately and thoroughly disclose the actual costs to consumers before implementing a reach code. Policies that mandate the conversion to all-electric buildings come with significant costs for California households. In 2018, Navigant Consulting reported that replacing natural gas appliances in the household with all electric appliances would cost single-family homeowners in Southern California "over \$7,200 and increase energy costs by up to \$388 per year."

Many households in Ventura County cannot bear these additional costs. California has the highest poverty rate in the United States (U.S. Census Bureau, September 2021). The Public Policy Institute of California found that "more than a third (34%) of state residents were poor to near-poor in 2019." That report also found that Latinos account for 52% of "poor Californians," with the median income for Latino households in California at \$56,200 (2016, EDD).

In Ventura County, the statistics are similarly alarming. Data from the EDD reports that the average salary in Ventura County for a male worker in 2019 was \$60,044. For a woman in 2019: \$50,642. In the 93033-zip code, over 30% of children under the age of five live below the 100% federal poverty level. In this same zip code, 52.9% of all children under the age of five live with only one parent – and of those single-parent households, the overwhelming majority have the female parent as the sole head of household.

According to the Ventura County Civic Alliance's 2021 State of the Region report, most jobs in Ventura County do not pay a living wage (defined as \$42.94 per hour for a household with two adults and two children). That same report revealed that, in the first quarter of 2021, only 27% of Ventura County households could afford to purchase a median-price home here in the County (and that number has decreased since the State of the Region report was published).

Policies that increase housing costs, including those that increase household energy costs, are driving growing inequity in affordability for Ventura County residents. And the data shows that inequity in affordability is particularly prevalent in minority households. A 2020 report by the American Council for an Energy-Efficient Economy reveals that low-income, black, and Latino households already pay a much larger share of their household income – from 20 to 43% more than higher-income households - on energy bills. Two of every five minority, low-income households experience severe "energy cost burdens," spending more than 10% of their household income on energy costs. Between 2011 and 2020, California's home energy affordability gap rose by 66%, while the affordability gap in the rest of the United States fell by 10%. As many as 40 percent of Californians cannot meet basic monthly expenses regularly. These households cannot absorb even modest increases in monthly energy costs without experiencing energy poverty and hardship.

California has the highest electricity costs in the United States. California's residential electricity price in 2021 was 23.76 cents per kWh (68% higher than the national average of 14.12 cents) (Energy Information Agency). Californians now pay 60% more for electricity than the next most expensive state in the U.S. Even those residents who qualify for income-based assistance for utilities pay a premium for California electricity. A UC Berkeley's Haas Business School report stated that "even low-income residents enrolled in the California Alternate Rates for Energy program paid more than the average American."

Simply put: policies restricting low-income households to electricity for their household energy create economic hardship, increase energy poverty and expand the gap for overall affordability in Ventura County.

Only a few months ago, the County updated the zoning ordinance to streamline and improve the process for permitting farmworker housing. At the time, there was extensive discussion about the need to address the impact of Ventura County's high cost of living on farmworkers. Ventura County needs a year-round, permanent agricultural workforce. The crops grown in Ventura County are labor-intensive and require skilled and trained workers. Local farmers struggle to find and retain skilled workers because Ventura County's high cost of living and lack of affordable housing force workers to move to other areas of the state where the cost of living is lower and housing is more affordable. Policies that mandate conversion to all-electric appliances will only contribute to the agricultural worker shortage. Without access to a stable and available local workforce, local agriculture and crop production will be negatively impacted.

Grid reliability and electricity supply:

Economic hardship is only one of the concerns associated with adopting a reach code. If the County wishes to avoid causing actual physical hardship for its residents, it must also address the known issues of lack of electrical supply and grid reliability. During the September 2022 heatwave, California's electrical demand increased to a one-day high of more than 52,000 megawatts (California Energy Commission). But even this volume pales to the electricity demand created by policies mandating all-electric households. If California's homes and businesses are converted to all-electric, the electricity demand will increase to more than 72,000 megawatts per day (Reuters). The California Energy Commission, Public Utilities Commission, the California Independent System Operator, and the Governor's office have all warned that, by 2025, the state will have a capacity shortfall of more than 1,800 megawatts, even without increasing the pace of all-electric conversion.

Without taking action to address these known electricity supply shortages first, policies mandating conversion to all-electric structures will leave Ventura County residents even more vulnerable to rolling blackouts, brownouts, and other periods of energy unavailability. Even the County's own final EIR for the 2040 General Plan conceded that natural gas services provide significant safety and health benefits, especially when electrical service is curtailed, such as insufficient electrical supply and grid instability.

Cooking food and boiling water are basic human needs and are particularly important to maintain during extended electrical power curtailments. Households unable to cook or boil water will foreseeably experience much more significant health and safety risks than those served with natural gas. These impacts will fall disproportionately on low-income households. Good policymaking demands that the County reject policies that interfere with people's ability to meet basic human needs.

Princeton University's Net Zero America report notes that "to achieve a zero-carbon future by 2050, the existing high voltage transmission capacity will need to expand by approximately 60 percent by 2030 and triple compared to 2020 capacity through 2050 to connect wind and solar." If California is to have sufficient electrical supply in the future, there will need to be a multitude of large-scale infrastructure projects, now and in the future, to correct both supply

and reliability issues. The costs of these projects will drive significant increases in household energy bills – and will disproportionately fall, yet again, on low-income households.

The County is proposing specific carve-out exemptions for "decorative indoor fireplaces and outdoor barbeques." Decorative indoor fireplaces and outdoor barbeques are attractive, up-scale features for mid- to high-end homes but are not features often found in low-income or farmworker housing. These carve-out exemptions will not help address the issue of alleviating physical hardship or providing for basic human needs for all County residents. More thought should be put into proposing carve-out exemptions or mitigation measures that protect all County residents from physical hardships during electrical power outages.

Adopting policies that mandate conversion to all-electric utilities before the issues of electrical supply and grid stability have been addressed will result in lost crop production. Crop production timelines cannot be rescheduled, delayed, or corrected with "do-overs." For some local crops, electrical outages due to grid instability often occur during harvest or other critical periods (*e.g.*, Santa Ana wind event public safety power outages often occur during harvesting for some orchard crops).

We appreciate the work done by Building and Safety staff to address fire hardening measures in the updated County building code. However, it is premature for the County to adopt policies that mandate conversion to all-electric structures. We hope the County will respect that the reach code is the subject of both active litigation and settlement negotiations between the County, VC CoLAB, and VCAA. As the court hearing is only a few months away (and settlement discussions are beginning), the County should **delay the adoption of a reach code at this time**. Let us work together over the next 60-90 days to develop an implementation plan to ensure that any proposed reach code will not cause either economic or physical hardship for vulnerable Ventura County residents, low-income households, farm workers, and agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read 'Louise Lampara', with a stylized, looping flourish at the end.

Louise Lampara
Executive Director