

From: David Moller [REDACTED]

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To: Mayor Kate <kate.colin@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Eli Hill <eli.hill@cityofsanrafael.org>

Cc: Distrib- City Clerk <city.clerk@cityofsanrafael.org>; Community Development <community.development@cityofsanrafael.org>; Cory Bytof <cory.bytof@cityofsanrafael.org>

Subject: Public Comment for Consent Calendar Item 4b June 3, 2024 City Council Mtg

Public Comment for Consent Calendar Item 4b June 3, 2024 City Council Mtg

Dear San Rafael City Council Members and Staff –

This is to comment on Consent Calendar Item 4b for the June 3, 2024 City Council meeting and to make two requests of San Rafael going forward.

Buried in Consent Calendar Item 4b are proposed modifications to San Rafael's Plumbing and Mechanical codes repealing provisions the City Council adopted in 2022 requiring that all new buildings be all-electric, with no natural gas infrastructure (AKA San Rafael's "all-electric for new buildings Reach Code").

San Rafael really stepped-up in adopting its all-electric for new buildings Reach Code as a key action toward meeting its greenhouse gas emissions reduction goals, particularly with the large number of new residences proposed to be built in San Rafael. You showed strong leadership in our race to reduce GHG emissions in order to preserve a livable planet for future generations.

It is highly regrettable that the Ninth Circuit Court of Appeals' decision in *California Restaurant Association v. City of Berkeley* put all-electric Reach Codes at risk of legal challenge, leading San Rafael to consider repealing its all-electric Reach Code. We'd like to request that rather than repealing its Reach Code, San Rafael adopt a resolution that it will not enforce its all-electric for new buildings Reach Code due to the Ninth Circuit Court's decision. This would preserve in its Plumbing and Mechanical codes the strong signal that San Rafael WANTS developers to adopt all-electric for new buildings while at the same time shielding the city from legal exposure in the event its Reach Code is challenged.

This suspension of enforcement rather than repeal of San Rafael's all-electric for new buildings Reach Code would only be necessary until BAAQMD's zero NOx rule for hot water heaters becomes effective January 1, 2027, and for space heaters January 1, 2029 or until a state-wide all-electric for new buildings code is adopted, possibly as early as the 2025 building code cycle. The importance of avoiding installation of gas infrastructure and equipment in new buildings cannot be overstated as such installation will be locking-in the associated GHG emissions for the life of the equipment -- likely twenty years or more!

If San Rafael decides to proceed with repeal of its all-electric for new buildings Reach Code, we respectfully request that the Council direct staff to make a concerted effort to inform applicants that San Rafael strongly desires that new buildings be all-electric in order to reduce GHG emissions, improve public health and safety, and avoid stranded assets. We also request that San

Rafael consider adopting developer incentives such as lower permit fees or enhanced development allowances to encourage developers to go all-electric.

Thank you for your consideration,

David Moller

