

ORDINANCE _____**AN ORDINANCE OF THE TOWN OF LOS ALTOS HILLS AMENDING CHAPTER 1.6 (ENERGY CODE) OF TITLE 8 (BUILDING REGULATIONS) OF THE LOS ALTOS HILLS MUNICIPAL CODE AND ADOPT BY REFERENCE REGULATIONS THAT REQUIRE THE ELECTRIFICATION OF SPACE AND WATER HEATING SYSTEMS IN NEW RESIDENTIAL BUILDINGS BASED ON SPECIAL LOCAL CONDITIONS**

WHEREAS, California Health and Safety Code section 17958 requires that cities adopt building regulations that are substantially the same as those adopted by the California Building Standards Commission and contained in the California Code of Regulations – Title 24; and

WHEREAS, the 2019 California Energy Code is a part of the 2019 California Code of Regulations and implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, Public Resources Code Section 25402.1(h)2 and Section 10-106 of the Building Energy Efficiency Standards (Standards) establish a process which allows local adoption of energy standards that are more stringent than the statewide Standards, provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the 2019 California Energy Code; and

WHEREAS, the California Statewide Codes and Standards Program led the development of a cost-effectiveness study for Energy Code reach codes that examined different performance-based approaches for new construction of specific building types and determined that such modifications will result in designs that consume less energy than they would under the 2019 State Energy Code; and

WHEREAS, the City Council of the Town of Los Altos Hills finds that the local amendments to the California Energy Code contained in this ordinance are cost effective and will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council of the Town of Los Altos Hills hereby finds that the modifications to the building standards contained in the California Code of Regulations are reasonably necessary based on the following local climatic, geological or topographical conditions:

1. Climatic: The Town is located in Climate Zone 3 as established in the 2019 California Energy Code. Climate Zone 3 incorporates communities near the coast from Marin County to southern Monterey County including Los Altos Hills. The Town experiences precipitation ranging from 18 to 22 inches per year with an average of approximately 20 inches per year. Ninety-five percent of precipitation falls during the months of

November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time and temperatures average 80 degrees the mid-50s in winter. These climatic conditions along with the greenhouse emissions generated from residential structures requires exceeding the energy standards for building construction established in the 2019 California Building Standards Code. The Town's City Council also adopted a Climate Action Plan that has a goal of reducing greenhouse gas emissions below 1990 levels by the year 2030. In order to achieve and maintain this goal, the Town needs to adopt policies and regulations that reduce the use of fossil fuels that contribute to climate change, such as natural gas in buildings.

2. **Geologic:** The Town of Los Altos Hills is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta Earthquake, up the San Francisco Peninsula eventually moving offshore at Daly City near Mussel Rock. This fault system is considered a major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity.
3. **Topographic:** The Town of Los Altos Hills consists of ridgelines, rolling foothills and deep wooded canyons that affect climate conditions resulting in increased use of heating and cooling systems and the trapping of potential greenhouse gases in the valley floors.

WHEREAS, in accordance with Health and Safety Code section 17958.7, the City Council hereby finds that each of the above findings is applicable to each of the modifications to the 2019 Edition of the California Energy Code described in this ordinance; and

WHEREAS, the City Council of the Town of Los Altos Hills finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

NOW, THEREFORE, the City Council of the Town of Los Altos Hills does hereby further ORDAIN as follows:

1. Title 8, Chapter 1.6, "Energy Code," of the Los Altos Hills Municipal Code is hereby amended to add Section 8-1.6.02, with additions in underline and deletions in strikethrough to reflect local amendments. Sections not affected by this amendment are not included below and shall remain in full force and effect.

Chapter 1.6 CALIFORNIA ENERGY CODE

8-1.6.02 Amended sections of adopted code.

Notwithstanding the provisions of Section 8-1.6.01, the Energy Code is amended as follows:

- A. Section 100.0 **Scope** under subsection (e) 2. D. **Low-rise residential buildings** is amended to read as follows:

- i. **Sections applicable.** Sections 150.0 through 150.1 apply to newly constructed low-rise residential buildings. In addition, all newly constructed residences, newly constructed detached accessory dwelling units, and other newly constructed detached habitable structures shall be electrically heated mixed-fuel buildings as defined in Section 100.1(b).

- B. Section 100.1(b) **Definitions** is amended by adding or amending the following definitions to read:

All-electric building is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances.

Certified energy analyst is a person registered as a Certified Energy Analyst with the California Association of Building Energy Consultants as of the date of submission of a Certificate of Compliance as required under Section 10.103.

Electrically heated mixed-fuel building is a mixed-fuel building that uses electricity as the source of energy for its space heating and water heating appliances.

Free standing accessory dwelling unit is a detached building that is not intended for sale separate from the primary residence, on a lot that is zoned for single-family or multi-family use, located on the same lot as an existing dwelling, and does not exceed 1,200 square feet of total living area.

Mixed-fuel building is a building that is plumbed for the use of natural gas or propane as fuel for space heating, water heating, cooking appliances and/or clothes drying appliances.

- C. Section 150.0 **Mandatory Features and Devices** is amended to read as follows:
Low-rise residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(§ s).

NOTE: The requirements of Sections 150.0(a) through 150.0(§ s) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(§ s) also apply to additions or alterations.

- D. Section 150.0(h) **Space-conditioning equipment** is amended by adding the following:
5. Systems using gas or propane space heating equipment to serve newly constructed residences, newly constructed detached accessory dwelling units, and other newly constructed detached habitable structures are not permitted.

- E. Section 150.0(n) **Water heating system** is amended by adding the following:
1. Systems using gas or propane water heaters to serve ~~individual dwelling units~~ newly constructed residences, newly constructed detached accessory dwelling units, and other newly constructed detached habitable structures are not permitted. ~~shall include the following components:~~
 - A. ~~A dedicated 125-volt, 20-amp electrical receptacle that is connected to the electric panel with a 120/240-volt 3-conductor, 10-AWG copper branch circuit within 3 feet from the water heater and accessible to the water heater with no obstructions. In addition, all of the following:~~
 - i. ~~Both ends of the unused conductor shall be labeled with the word "For Future Electric Water Heater" and be electrically isolated; and~~
 - ii. ~~A reserved single pole circuit breaker space in the electrical panel adjacent to the circuit breaker for the branch circuit in A above and labeled with the words "Future 240V use"; and~~
- F. Section 150.0(s) is added to read as follows:
- (s) **Clothes Drying and Cooking.** Buildings plumbed for natural gas or propane clothes drying or cooking equipment shall include the following components for each gas terminal or stub out:
1. **Clothes Drying.**
 - A. A dedicated 208/240-volt, 30-amp or greater electrical receptacle that is connected to the electric panel with conductors of adequate capacity, within 3 feet of the appliance and accessible with no obstructions;
 - B. Both ends of the unused conductor shall be labeled with the words "For Future Electric Clothes Dryer" and be electrically isolated;
 - C. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Clothes Dryer;" and
 - D. Other electrical components, including conductors, receptacles or blank covers, related to this section shall be installed in accordance with the California Electrical Code.
 2. **Cooktop.**
 - A. A dedicated 208/240-volt, 50-amp or greater electrical receptacle that is connected to the electric panel with conductors of adequate capacity, within 3 feet of the appliance and accessible with no obstructions;
 - B. Both ends of the unused conductor shall be labeled with the words "For Future Electric Range" and be electrically isolated;
 - C. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Range;" and
 - D. Other electrical components, including conductors, receptacles or blank covers, related to this section shall be installed in accordance with the California Electrical Code.
 3. **Stand Alone Cooking Oven.**
 - A. A dedicated 208/240-volt, 20-amp or greater or greater receptacle within 3 feet of the appliance and accessible with no obstructions;

- B. Both ends of the unused conductor shall be labeled with the words “For Future Electric Oven” and be electrically isolated;
- C. A double pole circuit breaker in the electrical panel labeled with the words “For Future Electric Oven;” and
- D. Other electrical components, including conductors, receptacles or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

2. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.
3. **Effective Date; Publication.** This ordinance shall take effect thirty (30) days after adoption. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published once, with the names of those City Councilmembers voting for or against it in a newspaper of general circulation in the Town of Los Altos Hills, as required by law. Prior to the effective date of this ordinance, the City Clerk shall further file a copy of the ordinance, with the California Building Standards Commission.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

BY: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DRAFT