

ORDINANCE NO. 2020-470C

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.22 ENERGY CODE OF TITLE 12 OF THE LOS ALTOS
MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA
ENERGY CODE FOR ALL-ELECTRIC NON-RESIDENTIAL BUILDINGS,
SCIENTIFIC LABORATORY BUILDINGS, AND PUBLIC BUILDINGS**

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Energy Code in the 2019 California Building Standards Code, Part 6 of Title 24 of the California Code of Regulations, which 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 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, 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 California Energy Code; and

WHEREAS, the City Council wishes to amend portions of the California Energy Code and affirms that such local modifications are cost effective and will result in designs that consume no more energy than that permitted under the 2019 California Energy Code; and

WHEREAS, the City's Climate Action Plan sets forth the goal to support initiatives that promote environmental sustainability and reduce the City's greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.22 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.22 ENERGY CODE

Section 12.22.010 Adoption of the California Energy Code.

There is hereby adopted by reference as if fully set forth herein, the 2019 California Energy Code, contained in the California Code of Regulations, Title 24, Part 6, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

A. Amend Section 100.0(e) 2. A. of the Energy Code is amended to include the underlined language as follows:

2. Newly constructed buildings.

A. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an all-electric building as defined in Section 100.1(b).

Exception 1: Residential Single-Family Dwellings, Detached ADUs (Accessory Dwelling Units), Multifamily Dwellings with two to nine units may install non-electric (natural gas-fueled) cooking and fireplace appliances if the applicant complies with the prewiring provisions, Subsection 12.22.020 B.3.

Exception 2: Non-residential Buildings containing for-profit restaurant open to the public may install gas-fueled cooking appliances. The applicant shall comply with the pre-wiring provision of Subsection 12.22.020 B. 3.

Exception 3: Non-residential buildings, Scientific Laboratory Buildings and Public Buildings may apply to the Building Division of the Los Altos Community Development Department for an exception to install a non-electric fueled appliance or piece of equipment. The Building Division of the Los Altos Community Development Department shall grant an exception if they find the following conditions are met:

- i. The applicant shows that there is a public or business-related need that cannot be reasonably met with an electric fueled appliance or piece of equipment.
- ii. The applicant complies with the pre-wiring provisions to the non-electric appliance or piece of equipment noted at Subsection 12.22.020 B. 3.

The decision of the Building Division of the Los Altos Community Development Department shall be final unless the applicant appeals the decision to the City Manager or his or her designee within 15 days of the date of the decision. The City Manager’s or his or her designee’s decision on the appeal shall be final.

SECTION 2.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires and floods.

The above local amendments to the 2019 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Energy Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date. The City Council’s findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24 Chapter 10-106 before this ordinance takes effect.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vicde Mayor Fligor and Mayor Pepper
NOES: None
ABSENT: None
ABSTAIN: None

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-470C, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES: BRUINS, FLIGOR, ENANDER, LEE ENG, PEPPER
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020.

Dated this ____ day of _____, 2020.

Andrea M. Chelemengos, MMC
City Clerk