

ORDINANCE 611

AMENDING CHAPTER 1.10 (GREEN BUILDING STANDARDS CODE) OF TITLE 8 (BUILDING REGULATIONS) OF THE LOS ALTOS HILLS MUNICIPAL CODE AND ADOPT REGULATIONS THAT REQUIRE NEW RESIDENTIAL BUILDINGS AND SUBSTANTIALLY ALTERED EXISTING RESIDENTIAL BUILDINGS TO BE CONSTRUCTED WITH ZERO NO_x EMISSION EQUIPMENT

WHEREAS, much of the Greater Bay Area, including the Town of Los Altos Hills, remains a nonattainment area that does not meet the federal air quality standards established to protect public health; and

WHEREAS, Nitrous Oxide and Nitrous Dioxide (collectively NO_x) emissions from building appliances contribute significantly to the formation of ozone and other harmful air pollutants that are present at levels that violate federal standards; and

WHEREAS, the Bay Area Air Quality Management District approved rules on June 21, 2023 that outlaw the sale of NO_x-emitting water heaters and furnaces in 2027 and 2029 respectively for installation into Bay Area buildings; and

WHEREAS, preparing the structures in the Town of Los Altos Hills for the upcoming implementation of the Bay Area Air Quality Management District's rules will promote efficiency and cost savings that will benefit Town residents; and

WHEREAS, Section 39002 of the California Health and Safety Code authorizes local agencies to establish air pollution standards that are stricter than statewide or federal standards; and

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 Town of Los Altos Hills adopted such regulations on November 17, 2022 with modifications as provided by California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 which specify that the City may make changes or modifications to the building standards contained in the California Building Standards based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions;

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

1. Title 8, Chapter 1.10 "Green Buildings Standards Code," of the Los Altos Hills Municipal Code is hereby repealed and replaced with the following Chapter 1.10.

Chapter 1.10 CALIFORNIA GREEN BUILDING STANDARDS CODE

8-1.10.01 Adoption of 2022 California Green Building Standards Code.

(a) The 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California State Health and Safety Code Section 18901 et seq., (hereinafter referred to as "CALGreen"), and any rules and regulations promulgated pursuant thereto are hereby adopted and incorporated by reference herein.

(b) Appendix Chapter A4, Section A4.106.8, Electric Vehicle (EV) Charging for New Construction, is adopted. (§ 1, Ord. 605, eff. December 17, 2022)

(c) One copy of the CALGreen shall be kept on file at the Town of Los Altos Hills. (§ 1, Ord. 558, eff. February 15, 2015; § 1, Ord. 568, eff. March 16, 2017; § 1, Ord. 585, eff.

(d) The requirements of this chapter may be adjusted or waived if the property owner demonstrates that applying this chapter would take property in violation of the United States and/or California Constitutions, or would violate applicable federal law.

8-1.10.02 Amended sections of adopted code.

The Green Building Standards Code is amended as follows:

(a) Chapter 2, **Definitions**, is amended by adding with the following definitions to read:

ADDITION. An extension or increase in floor area of an existing building or structure.

ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.

NITROGEN OXIDES (NOX). The sum of nitrogen oxide (NO) and nitrogen dioxide (NO₂), collectively expressed as nitrogen dioxide.

NOX EMITTING EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that emits more than 0.0 nanograms of nitrogen oxides expressed as NO_x per joule of heat and/or light output.

REPAIR. Reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage, as defined in the California Existing Building Code.

SUBSTANTIALLY ALTERED STRUCTURE. Any structure that is voluntarily altered such that more than fifty (50) percent of the structure's permitted floor area is altered, or more than fifty (50) percent of the permitted exterior wall area is altered, or fifty (50) percent of the structure's combined wall and floor area is altered, or more than fifty (50) percent of existing structure's permitted floor area is added.

TECHNICALLY INFEASIBLE. With respect to an alteration of a building or a facility, there is a low probability of successfully completing the alteration because existing building or site constraints prevent the modification or addition of elements, spaces, or features that would fully and strictly comply with the minimum requirements for new construction and are necessary for compliance. Examples include but are not limited to, utility conflicts, service capacity constraints, or construction limitations due to environmental conditions.

ZERO-NOX EMISSION BUILDING. A building with zero NOx emissions that utilizes zero NOx equipment or appliances.

ZERO-NOX EMITTING EQUIPMENT. Any equipment or appliance that emits no more than 0.0 nanograms of nitrogen oxides (expressed as NOx) per joule of heat and/or light output. Equipment and appliance uses include, but are not limited to, space heating, water heating, cooking, clothes drying, and lighting.

- (b) Chapter 4, **Residential Mandatory Measures**, is amended by amending the following sections to read:

DIVISION 4.1 PLANNING AND DESIGN

SECTION 4.106 SITE DEVELOPMENT

4.106.5.1. New construction. All newly constructed buildings, newly constructed detached accessory dwelling units, and other newly constructed detached habitable structures shall be Zero-NOx Emission Buildings.

Exemptions:

1. Outdoor cooking equipment, outdoor fireplaces, portable space heaters, generators, and pool/spa heaters for residential building projects are exempt from the requirements of 4.106.5.1, or
2. Indoor cooking equipment for residential building projects is exempt from the requirements of 4.106.5.1. The applicant shall comply with Section 4.106.5.3.

4.106.5.2. Substantially Altered Structures. All Substantially Altered Structures shall be Zero-NOx Emission Buildings.

Exemptions:

1. Outdoor cooking equipment, outdoor fireplaces, portable space heaters, generators, and pool/spa heaters for residential building projects are exempt from the requirements of 4.106.5.2, or
2. Indoor cooking equipment for residential building projects is exempt from the requirements of 4.106.5.1. The applicant shall comply with Section 4.106.5.3, or

3. Substantially Altered Structures are exempt from the requirements of 4.106.5.2 if the electrical utility service is underground and the installation of Zero-NOx Emitting Equipment is technically infeasible as determined by the Building Official per 4.106.5.4, or
4. Substantially Altered Structures are exempt from the requirements of 4.106.5.2 if the primary electrical utility customer of record at the residence is enrolled in the PG&E California Alternate Rates for Energy Program (CARE) and Family Electric Rate Assistance Program (FERA) Programs.

4.106.5.3 Requirements for indoor cooking equipment. Where NOx Emitting Equipment is allowed for indoor cooking per exemption #2 under 4.106.5.1 or 4.106.5.2, the construction drawings shall provide for the infrastructure and physical space needed to accommodate the future installation of a Zero-NOx Emitting cooking appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. A dedicated 240-volt branch circuit wiring shall be installed within 3 feet from the cooktop and accessible to the cooktop with no obstructions. The branch circuit conductors shall be rated at 50 amps minimum. The blank cover shall be identified as "240V ready." All electrical components shall be installed in accordance with the California Electrical Code.
2. The main electrical service panel shall have a reserved space to allow for the installation of a double pole circuit breaker for a future electric cooktop installation. The reserved space shall be permanently marked as "For Future 240V use."

4.106.5.4 Technical Infeasibilities. For technical infeasibilities, the property owner shall submit a request to use alternate means and methods. The property owner shall provide any additional information required by the Building Official to make a determination on the request per the 2022 CALGreen, Section 101.8. The determination of the Building Official may be appealed to the City Council, as provided in LAHMC, Section 1-4.01.

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 (15) 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. This ordinance shall apply to any project for which a development or permit application is filed with the Town as of the effective date of the ordinance.

INTRODUCED: JANUARY 18, 2024

PASSED: FEBRUARY 15, 2024

AYES: Mayor Mok, Vice Mayor Schmidt, Councilmembers Swan, Tankha, and Tyson


NOES: None

ABSTENTIONS: None

ABSENT: None

ATTEST:


Arika Birdsong-Miller, City Clerk

By: 
Stanley Mok, Mayor

APPROVED AS TO FORM:


City Attorney