

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH  
AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE  
HILLSBOROUGH MUNICIPAL CODE, CHAPTER 15.10 (ENERGY CODE), BY  
ADDING SECTION 15.10.050 (ENERGY REACH CODE) AND AMENDING BY  
REFERENCE THE 2019 CALIFORNIA ENERGY CODE (CALIFORNIA CODE OF  
REGULATIONS, TITLE 24, PART 6) AND FINDING THE ACTION TO BE EXEMPT  
FROM CEQA**

**THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH DOES ORDAIN as follows:**

WHEREAS, the Town of Hillsborough, California (“Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2019 the Town of Hillsborough Received a grant in the amount of \$10,000 from Peninsula Clean Energy (PCE) to study the adoption of reach codes within the Town; and

WHEREAS, at the April 12, 2020, City Council meeting staff presented an informative report to the City Council on the PCE grant and received direction from Council to research the feasibility of developing Town reach codes; and

WHEREAS, at the April 12, 2021, City Council meeting staff presented the findings of their research and requested guidance from the Council regarding which of three reach code models to pursue; and

WHEREAS, at the February 14, 2022 City Council meeting staff provided an informative update on the status of reach code development and requested further guidance on two additional code options; and

WHEREAS, the at the February 14, 2022 City Council meeting the Council indicated their desire to amend the Town’s local regulatory scheme to adopt an All-Electric Preferred with Mixed Fuel Option Reach Code; and

WHEREAS, the Town of Hillsborough published notice of a public hearing for the adoption of the ordinance pursuant to California Government Code Section 6066 on March 25, 2022, and April 1, 2022; and

WHEREAS, at least one copy of the 2019 California Energy Code amended by this ordinance was available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6;

WHEREAS, the City Council held a duly noticed public hearing on April 11, 2022 to adopt an All Electric Preferred with Mixed Fuel Option Reach Code Ordinance; and

WHEREAS, the California Building Standards Code, Title 24 of the California Code of Regulations, is updated every three years by the California Energy Commission (CEC) and the California Building Standards Commission (CBSC), and the most recent edition was published on

July 1, 2019 and became effective throughout California on January 1, 2020; and

WHEREAS, Part 6 of Title 24, called the California Energy Code, establishes energy standards for all new buildings constructed in California; and

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

WHEREAS, the City Council of the Town of Hillsborough finds and declares that there are distinct and unique characteristics of the Town of Hillsborough with regard to local climatic, geological, or topographical conditions which make it desirable for reasons of public health, safety, and welfare to adopt the provisions of this ordinance, which provide more stringent standards than those which would otherwise apply under the 2019 California Energy Code, Sections 100.0, 100.1, and 150.0. Specifically, the Town of Hillsborough finds as follows:

I. CLIMATIC CONDITIONS.

In the Town, normally the months of May through September have no rain and abundant sun, drying out the great quantities of vegetation present everywhere in Town and providing an extensive fuel source for fires. Seasonal climatic conditions in and around the Town create severe fire hazards to the public health and welfare. Reducing greenhouse gas (GHG) emissions associated with natural gas is necessary to reduce the Hillsborough's contribution to climate change, which is contributing to severe local climatic conditions.

II. GEOLOGICAL CONDITIONS.

The Town's western boundary is within a few miles of the San Andreas Fault, one of the major seismic faults running through California. An earthquake along the San Andreas Fault, or along any of the other numerous seismic faults elsewhere in the Bay Area, could break gas, electrical, and water lines, increasing the chance of fires and impairing the ability to fight them. Reducing the reliance on natural gas in new construction will decrease the risk of fires caused when gas lines rupture or break in seismic-related events. Experts have cautioned that one or more major earthquakes in the Bay Area, affecting the whole region, are inevitable and will probably happen sometime within the next several decades.

III. TOPOGRAPHICAL CONDITIONS.

The Town's hilly topography, numerous cul-de-sacs, winding narrow roads, numerous canyons, high proportion of landscaped areas to hardscape areas within the developed portions of the Town, and substantial areas of open space with dense, natural vegetation all mean that there are substantial areas throughout Town where urban and wildland areas abut and which have the potential for fires that could spread quickly over a wide area and threaten many homes and inhabitants. Reducing the reliance on natural gas in new construction is necessary to reduce the Hillsborough's contribution to climate change and increased risks of fires.

WHEREAS, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this ordinance, including the policy considerations discussed therein; and

NOW, THEREFORE, the City Council of the Town of Hillsborough does ordain as follows:

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** The adoption of the ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, “CEQA”) because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. In this circumstance, the proposed action would have no or only a de minimis effect on the environment by requiring all new single-family residential construction to implement electric space heating and electric water heating appliances, unless the project meets the performance-based requirements in the Energy Code. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment to reduce greenhouse gas emissions.

**Section 3.** Chapter 15.10 (Energy Code) of Title 15 (Buildings and Construction) of the Hillsborough Municipal Code, is hereby amended to add Section 15.10.050 (“Energy Reach Code”) as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**Section 4.** This ordinance shall take effect 30 days following its adoption.

**Section 5.** No less than five days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the Town of Hillsborough, California, and cause a summary to be published once within fifteen (15) days after its adoption in accordance with Government Code section 36933.

**Section 6.** The City Council hereby directs staff to prepare, execute and file with the San Mateo County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

**Section 7.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

**Section 9.** The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at 1600 Floribunda Avenue, Hillsborough, California, in the City Clerk Department.

**Section 10.** The Building Official is directed to file a copy of this ordinance with the California Building Standards Commission and the State Department of Housing and Community Development or other state agencies required by law.

\_\_\_\_\_  
Mayor of the Town of Hillsborough

\_\_\_\_\_  
Attest: City Clerk

ORDINANCE NO. \_\_\_\_\_ of the Town of Hillsborough introduced on March 14, 2022 and adopted on \_\_\_\_\_, 2022, by the following vote of the City Council:

|          |                |       |
|----------|----------------|-------|
| AYES:    | Councilmembers | _____ |
| NOES:    | Councilmembers | _____ |
| ABSENT:  | Councilmembers | _____ |
| ABSTAIN: | Councilmembers | _____ |

## EXHIBIT A

### Amendments to Municipal Code

#### “15.10.050 - Energy Reach Code.

Notwithstanding the provisions of Section 15.10.020, the Energy Code is amended as follows:

A. Section 100.0 Scope under subsection (e)(2)(D)(i) 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 and which 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:

1) An “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.

2) A “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 California Administrative Code- Part 1, Title 24

3) An “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.

4) A “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. The first sentence of 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).

D. Section 150.0(h) Space-conditioning equipment is amended by adding the following new subsection:

(h)(5) Systems using gas or propane space heating equipment to serve new residences, new detached accessory dwelling units, and new detached habitable structures are not permitted.

E. Section 150.0(n) Water heating system is amended by adding the following new subsection:

(n)(5) Systems using gas or propane water heaters to serve new residences, new detached accessory dwelling units, and new detached habitable structures are not permitted.

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.”