

**ORDINANCE NO. 66X**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 15.19 OF THE ATHERTON MUNICIPAL CODE**

**WHEREAS**, the City Council has adopted the California Green Building Standards in November 2022 amending Chapter 15.19 of the Atherton Municipal Code; and

**WHEREAS**, on February 26, 2024, City Council Study Session where staff recommended amending Ordinance 656 removing electrification requirements from Chapter 15.19; and

**WHEREAS**, the Town wishes to reduce fossil fuel use in residential and commercial new construction; and

**WHEREAS**, the Town reserves the authority to regulate building code within Town limits to provide for the welfare of its residents by reducing fossil fuel usage; and

**NOW THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1. PURPOSE AND AUTHORITY**

The purpose of this amendment is to prepare Town for Statewide electrification mandates. The proposed amendments extend electric readiness requirements to major alterations and renovations of existing buildings.

**SECTION 2. AMEND THE ATHERTON MUNICIPAL CODE CHAPTER 15.19**

Chapter 15.19 is hereby amended to read as follows:

## **Chapter 15.19 GREEN BUILDING CODE**

The California Green Building Standards Code, 2022 Edition, Title 24, Part 11 of the California Code of Regulations, as adopted and amended by the State of California, hereinafter called "Green Building Code," is adopted as the rules, regulations and standards within this City as to all matters therein except as hereinafter modified or amended.

### **15.19.030 Electric Readiness Model Reach Code**

## **CHAPTER 2 DEFINITIONS**

**Green Building Code Section 202 is amended to read as follows:**

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

**ALL-ELECTRIC BUILDING.** A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

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

**COMBUSTION EQUIPMENT.** Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.

**ELECTRIC HEATING APPLIANCE.** A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

**FUEL GAS.** A gas that is natural or manufactured, including liquefied petroleum, or a mixture thereof.

**NEWLY CONSTRUCTED (or NEW CONSTRUCTION).** A newly constructed building (or new construction) does not include additions, alterations, or repairs.

**UTILITY ROOM.** A nonhabitable room or building which contains only HVAC, water heating utilities, or electrical controls and equipment; and which is not a bathroom, closet, garage, or laundry room.

## **CHAPTER 3 GREEN BUILDING**

### **SECTION 301 - General**

**Green Building Code Section 301.1.1 is amended to read as follows:**

#### **301.1.1 Additions and alterations.**

**[HCD]** The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alterations increases the building's

conditioned area, volume or size. The requirements shall apply only to and/or within the specific area of the addition and alteration.

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings. See Section 4.106.4.3 for application.

**NOTE:** Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing light fixtures are not considered alterations for the purpose of this section.

## **CHAPTER 4 - RESIDENTIAL MANDATORY MEASURES**

### **DIVISION 4.1 – Planning and Design**

Green Building Code Section 4.106 "Site Development," is amended to include new subsections to read as follows:

#### **SECTION 4.106 SITE DEVELOPMENT**

##### **4.106.5 Electric ready residential buildings.**

Residential buildings shall comply with Section 4.106.5.1 and Section 4.106.5.2.

##### **4.106.5.1 New single-family and multifamily**

New construction residential buildings shall comply with Section 4.106.5.1.1 and Section 4.106.5.1.2.

##### **4.106.5.1.1 Heat pump space heater ready.**

Systems using a gas or propane furnace to serve individual dwelling units shall meet the requirements of 150.0(t) of Title 24, Part 6 and, in addition, include a designated exterior location for a future heat pump compressor unit with either a drain or natural drainage for condensate.

##### **4.106.5.1.2 Electric readiness requirements for systems using gas or propane.**

Where any pool and spa water heaters, saunas, fireplaces, outdoor cooking, or outdoor heating systems using gas or propane plumbing are installed, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electric equivalent of that system that serves the same function in the following ways, as certified by a registered design professional or licensed electrical contractor.

- a) Appropriately sized conduit designed to serve a future electric appliance with the same function, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions, in accordance with manufacturer requirements and the California Electrical Code. In lieu of or in addition to conduit, electrically isolated branch circuit wiring may be installed; and
- b) Labeling of both ends of the unused conduit or conductors shall be with “For Future Electrical Appliance”; and
- c) Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. “Reserved for Future Electric Fireplace”), and positioned on the opposite end of the panel supply conductor connection; and
- d) Connected subpanels, main panels, and busbars, and transformers shall be sized to serve the future electric appliance. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
- e) Physical space for future electric appliances, including equipment footprint, shall be depicted on the construction drawings. The footprint necessary for future electric appliances may overlap with the location of currently designed combustion equipment.

**Exception 1:** Systems complying with the electric readiness requirements of Sections 150.0(n), 150.0(s), 150.0(t) 150.0(u), or 150.0(v) as applicable.

**Exception 2:** Generator systems used for emergency power generation.

#### **4.106.5.2 Additions and alterations of single-family and multifamily**

Additions and alterations requiring an electrical permit shall comply with Section 4.106.5.2.1 through 4.106.5.2.5.

**Exception:** Where upgrades to the existing electrical panel or utility service are not proposed, electrical panel capacity shall not be required to exceed the existing utility electrical service to the building to meet compliance with Section 4.106.5.2. Capacity and overcurrent protection spaces shall be reserved to the extent allowable under the existing electrical panel capacity.

#### **4.106.5.2.1 Electrical Panel and Utility Service Upgrades**

Where the electrical panel and service are upgraded, the building electrical panel and service shall be sized to meet the future electric requirements of the electric ready equipment specified in Title 24, Part 6, Sections 150.0(n) and 150.0(s) through 150.0(v). To meet this requirement the building electrical panel and utility service shall have sufficient capacity to supply full rated amperage at each electric ready appliance in accordance with the California Electric Code.

#### **4.106.5.2.2 Kitchen Alterations**

Where a branch circuit serving gas or propane range or gas wall-mounted oven appliances is altered, comply with the following requirements:

1. Install electrical components in accordance with the *California Electrical Code*. The electrical components shall include the following:
  - a. A dedicated 125 volt, 20 amp electrical receptacle that is connected to the electric panel with a 120/240 volt 3 conductor branch circuit rated to 50 amps, within 3 feet from the appliance and accessible to the appliance with no obstructions; and
  - b. Both ends of the unused conductor shall be labeled with the word “spare” and be electrically isolated; and
  - c. 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 Use”; and

#### **4.106.5.2.3 Clothes Dryer Alterations**

Where a branch circuit serving a gas or propane clothes dryer is altered, comply with the following requirements:

1. Install electrical components in accordance with the *California Electrical Code*. The electrical components shall include the following:
  - a. A dedicated 125 volt, 20 amp electrical receptacle that is connected to the electric panel with a 120/240 volt 3 conductor branch circuit rated to 30 amps, within 3 feet from the appliance and accessible to the appliance with no obstructions; and
  - b. Both ends of the unused conductor shall be labeled with the word “spare” and be electrically isolated; and
  - c. 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 Use”; and

#### **4.106.5.2.4 Utility Room Alterations**

Where a utility room is altered, comply with the following requirements:

1. Where the utility room contains a gas or propane water heating appliance, comply with the following requirements:
  - a. Systems using gas or propane water heaters to serve individual dwelling units shall designate a space at least 2.5 feet by 2.5 feet wide and 7 feet tall suitable for the future installation of a heat pump water heater (HPWH). All electrical components shall be installed in accordance with the *California Electrical Code*. The space shall include the following:
    1. A dedicated 125 volt, 20 amp electrical receptacle that is connected to the electric panel with a 120/240 volt 3 conductor branch circuit rated to 30 amps, within 3 feet from the water heater and accessible to the water heater with no obstructions; and
    2. Both ends of the unused conductor shall be labeled with the word “spare” and be electrically isolated; and
    3. 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 Use”; and
    4. A condensate drain that is no more than 2 inches higher than the base of the installed water heater and allows natural draining without pump assistance.
2. Where the utility room contains a gas or propane space heating appliance, install electric readiness components per Title 24, Part 6 Section 150.0(t).

**Exception 1:** Where the designated space specified in Section 4.106.5.2.4 would require relocation of a wall or partition that is not otherwise within the scope of the alteration, the electric readiness components per Section 4.106.5.2.4 are not required.

## **CHAPTER 5 – NONRESIDENTIAL MANDATORY MEASURES**

### **Division 5.1 PLANNING AND DESIGN**

#### **SECTION 5.106 SITE DEVELOPMENT**

**5.106.13 All-electric buildings.** New construction buildings shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to facilitate future electrification.

**5.106.13.1. New construction.** All newly constructed nonresidential buildings shall be all-electric buildings.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

#### **Exceptions:**

1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install commercial food heat-processing equipment served by fuel gas. The local enforcing agency may grant the modification if they find:
  - a. The need cannot be achieved equivalently with an electric heating appliance; and
  - b. The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.

The applicant shall comply with Section 5.106.13.2.

2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

#### **5.106.13.2. Requirements for combustion equipment.**

Where combustion equipment is allowed per exceptions under Section 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating

the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e., “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.



**SECTION 3. SEVERABILITY**

If any section, subsection, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Passed and adopted as an ordinance of the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Mayor Hawkins-Manuelian

ATTEST:

\_\_\_\_\_  
Anthony Suber, City Clerk/Deputy City Manager