



Item No. 8 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: MIKE GREENLEE, BUILDING OFFICIAL

DATE: JANUARY 18, 2023

**SUBJECT: ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 15.19 OF THE
ATHERTON MUNICIPAL CODE BY AMENDING AND ADOPTING
THE 2022 CALIFORNIA GREEN BUILDING CODE AND AN EV
CHARGING AND ALL ELECTRIFICATION REACH CODES, WITH
EXCEPTIONS**

RECOMMENDATION

City Council to consider Amending Chapter 15.19 of the newly adopted ordinance of the Atherton Municipal Code and by adopting the 2022 California Green Building Code and an EV Charging and All Electrification Reach Codes with exceptions. Direct the Building Official to file the amendments with State of California as required by law.

BACKGROUND

On November 3, 2021, a Study Session was held with representatives from PCE and TRC to discuss the options of an all-electric reach codes and EV Charging ordinance. On February 16, 2022 at the Regular City Council Meeting, the Council discussed the different options that could be considered for adoption.

City Council gave direction to draft an ordinance for an All-Electric Reach Codes with exceptions and for EV Charging and return the Ordinance to the Council in October, to coincide with adoption of the 2022 Edition of the California Green Building Code.

On November 16, 2022, at the City Council approved and adopted the All-Electric Reach Codes with exceptions and for EV Charging Ordinance. The Ordinance became effective 30-days following the November 2nd Reading. However, following adoption, there was a request by the Mayor to allow the City Council to consider additional exceptions to the Ordinance as it relates to new Accessory Dwelling Units (ADUs) constructed on properties that have an existing single-family residence, for a limited time period, in order to support the Town's efforts to encourage the production of new ADUs.

ANALYSIS

The Ordinance, as adopted and currently in effect defines “Newly Constructed” as a newly constructed building (or new construction) and one that does not include additions, alterations, or repairs. The Ordinance requires that all newly constructed buildings and ADUs, Guest Houses, Pool Houses, and Cabanas be all-electric buildings. Renovations, additions, alterations, or repairs to ADUs are not required to be all-electric.

The concern raised was that the cost to add a newly constructed, all-electric ADU to an existing single-family home may be a deterrent and may undermine the Town’s Housing Element objectives for development of new ADUs.

To address this concern, staff prepared the attached amendment for Council’s consideration. The amendment adds the following to the exemption clarifications that would be effective for any building permit that is approved until December 31, 2023:

- Newly constructed Accessory Dwelling Units (ADU’s) on properties that have an existing Single-Family Residence that want to construct a newly ADU on their property may be electric and or gas.
- Newly constructed Accessory Dwelling Units (ADU’s), Guest Houses, Pool Houses, and Cabanas on residential full development projects shall be All-Electric.

The Council may accept or change the exceptions and requirements noted above.

FISCAL IMPACT

No significant fiscal impact at this time.

ENVIRONMENTAL ANALYSIS

This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 as "Actions by Regulatory Agencies for the Protection of the Environment."

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal E – Strengthen Community Engagement and Transparency
- Goal F – Be Forward-Thinking, Well-Managed, and Well-Planned

POLICY FOCUS

The Council’s policy discussion should revolve around adoption of the Reach Codes as mandates and the level or number of exceptions to be provided, if any.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ____ has or ____ has not been before a Town Committee or Commission.

- ____ Audit/Finance Committee (meets every other month)
- ____ Bicycle/Pedestrian Committee (meets as needed)
- ____ Environmental Programs Committee (meets every other month)
- ____ Park and Recreation Committee (meets each month)
- ____ Planning Commission (meets each month)
- ____ Rail Committee (meets every other month)
- ____ Transportation Committee (meets every other month)

ATTACHMENTS

Exhibit A – Ordinance No. 2022-656 Amending Chapter 15.19 of the Atherton Municipal Code