



## Item No. 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: OCTOBER 19, 2022**

**SUBJECT: CONDUCT THE PUBLIC HEARING AND WAIVE THE FIRST  
READING AND INTRODUCE BY TITLE ONLY, ORDINANCE NO.  
2022-XX AMENDING CHAPTER 15.19 OF THE ATHERTON  
MUNICIPAL CODE BY ADOPTING THE 2022 CALIFORNIA GREEN  
BUILDING CODE AND AN EV CHARGING AND ALL  
ELECTRIFICATION REACH CODES, WITH EXCEPTIONS**

### **RECOMMENDATION**

Staff recommends the City Council introduce by title only, the first reading of Ordinance No. 2022-XX Amending Chapter 15.19 of the Atherton Municipal Code by Adopting the 2022 California Green Building Code and an Electrification Reach Code and EV Charging Ordinance, with exceptions to be effective January 1, 2023.

### **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. A [link to that February Agenda item with all associated materials can be found here.](#)

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.

### **ANALYSIS**

Staff has worked closely with Peninsula Clean Energy and the Statewide Program's team to establish new construction EV requirements which align with local EV adoption trends, while providing flexibility for the builder and keeping construction costs as low as possible. The proposed Electric Vehicle Reach Code ensures that new buildings can charge a greater number of

electric vehicles beyond State Code requirements and reduce greenhouse gas emissions. For EV Charging it is recommended as follows.

### Residential

- Single Family Dwelling: One dedicated EV Ready Level 1 circuit, and one dedicated EV Ready Level 2 circuit.
- ADUs provided with off-street parking shall provide either: A Level 1 EV Ready Circuit, a Level 2 EV Ready Circuit, or an EVCS.

### Non-Residential, Office

- 20% of the parking spaces, Level 2 EVCS and 30% Level 2 EV Capable

### Non-Residential, Non-Office When 10 or more parking spaces are constructed.

- 10% of the parking spaces, Level 2 EVCS and 10% Level 2 EV Capable.
- Option to substitute one 48 kVA DC fast chargers for every 5 Level 2 EVCS.

The 2022 Cost-effectiveness Study: Single Family Construction and Electric Vehicle Infrastructure Cost Analysis is attached for reference only. Not for adoption.

With respect to Reach Codes, based on Council direction, staff is recommending an All-Electric Reach Code with the following exceptions and requirements.

- Residential Buildings may contain non-electric cooking appliances and fireplaces.
- Accessory Dwelling Units (ADU's), Guest Houses, and Pool Houses shall be all-electric.
- Emergency Generators may utilize fuel gas.

The Council may accept or change the exceptions and requirements noted above. The Council may also consider other exceptions for use of natural gas, such as water heaters, dryers, FAUs (Forced Air Units), and pool heaters.

### **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.

### **PUBLIC NOTICE**

Public notification was achieved by publishing a notice in the local newspaper more than 10 days prior to the meeting, including the print and online edition. The Town posted the agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about this item is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,400 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

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

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- X   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**

1. Ordinance No. 2022-       Amending Chapter 15.19 of the Atherton Municipal Code
2. 2022 Cost-effectiveness Study: Single Family New Construction (reference only)
3. Electric Vehicle Infrastructure Cost Analysis (reference only)