



## Item No. {{item.number}} Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

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

**FROM: MIKE GREENLEE, CHIEF BUILDING OFFICIAL**

**DATE: NOVEMBER 16, 2022**

**SUBJECT: ADOPTION AN ORDINANCE TO AMEND 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**

Adopt the ordinance 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. 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.

### **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, 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 indoor and outdoor cooking appliances, fireplaces and outdoor firepits.

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.

## **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."

## **FISCAL IMPACT**

No significant fiscal impact at this time.

## **GOAL ALIGNMENT**

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

- Goal Area 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 posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 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 Protection District, service providers (water, power, and sewer), and regional elected officials.

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

This item has been before the Environmental Programs Committee.

### **ATTACHMENTS**

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

Exhibit B - 2022 Cost-effectiveness Study: Single Family New Construction (reference only)

Exhibit C - Electric Vehicle Infrastructure Cost Analysis (reference only)