

ORDINANCE NO. 2020-471
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.26 GREEN BUILDING STANDARDS CODE OF TITLE 12
OF THE LOS ALTOS MUNICIPAL CODE RELATING TO AMENDMENTS TO THE
2019 CALIFORNIA GREEN BUILDING STANDARDS CODE FOR ELECTRIC
VEHICLE (EV) INFRASTRUCTURE

WHEREAS, the City of Los Altos has seen significant sales of both electric vehicles (EV) and plug-in hybrid electric vehicles (“PHEV”); and

WHEREAS, the interest in EVs has grown alongside greater EV model availability, increased vehicle range, and expanded EV charging infrastructure in the region; and

WHEREAS, EV charging infrastructure available at locations they frequent, including one-and two-family dwellings, multi-family residences, and commercial properties is important for continued adoption of EVs; and

WHEREAS, the installation of the electric vehicle supply equipment (EVSE) is made cost effective when the infrastructure is installed during the initial construction phase as opposed to retrofitting existing buildings to accommodate the new electrical equipment; and

WHEREAS, the City of Los Altos supports this nascent industry for plug-in electric vehicles and its efforts in constructing EV charging infrastructure as this further supports the City’s sustainability goals; and

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Green Building Standards Code in the 2019 California Building Standards Code, Title 24, Part 11, which enhances the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices; and

WHEREAS, the City Council wishes to amend portions of the California Green Building Standards Code and affirms the modifications are determined to be reasonably necessary because of local climatic, geological or topographical conditions, ensure that new buildings can charge a greater number of electric vehicles beyond state code requirements and reduce greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.26 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.26 CALIFORNIA GREEN BUILDING STANDARDS CODE

Section 12.26.010 Adoption of the California Green Building Standards Code

Section 12.26.020 Amendments, Additions or Deletions

Section 12.26.030 Definitions

Section 12.26.010 Adoption of the California Green Building Standards Code

There is hereby adopted by reference as if fully set forth herein, the 2019 California Green Building Standards Code, contained in the California Code of Regulations, Title 24, Part 11, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

Section 12.26.020 Amendments, Additions or Deletions

The 2019 California Green Building Standards Code referred to in Section 12.26.010 is adopted, together with Chapters 1 Administration, 4 Residential Mandatory Measures, and 5 Nonresidential Mandatory Measures, of the 2019 California Green Building Standards Code, with the following amendments as follows:

Chapter 1 Section 102.4 Scope and Mandatory Compliance is hereby added to read as follows.

Section 102.4 Scope and Mandatory Compliance

- A. This code contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified in the appropriate chapters contained in this code. Compliance measures and methods shall be by one of the following measures approved by the Building Official.

The means by which compliance measures are achieved shall be mandatory measures with appendix sections voluntarily applied, building division mandatory check list, whole house Build it Green GreenPoint check list, LEED, other recognized point systems, Title 24 Part 6 Energy Efficiency Standards, or equivalent approved methods. Green Building Compliance measures in addition to checklists shall be incorporated into the project drawings approved by the Building

Official prior to building permit submittal.

Prior to issuance of a building permit, the owner or responsible Registered Design Professional acting as the owner's agent shall employ and/or retain a Qualified Green Building Professional to the satisfaction of the Building Official, and prior to final inspection shall submit verification that the project is in compliance with this ordinance.

Chapter 4 Section 4.106.4 Electric vehicle (EV) charging for new construction thru 4.106.4.2.5 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance

Section 4.106.4, 4.106.4.1 and 4.106.2 are amended to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction.

New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code, Article 625*.

Exceptions:

1. Where there is no commercial power supply.
2. If no additional parking facilities are provided, then Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).

4.106.4.1 New one- and two-family dwellings and townhouses with attached or detached private garages.

For each dwelling unit, install at least one Level 2 EV Ready Space in the garage. If multiple (two or more) garage parking spaces are provided for a dwelling unit, install at least two Level 2 EV Ready Spaces.

4.106.4.1.1 Identification.

The raceway termination location shall be permanently and visibly marked as "Level 2 EV-Ready".

4.106.4.2 New multifamily dwellings.

The following requirements apply to all new multifamily dwellings:

1. For multifamily buildings with less than or equal to 20 dwelling units, install at least one Level 2 EV Ready Space for each dwelling unit.
2. When more than 20 multifamily dwelling units are constructed on a building site
 - a. 25% of the dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number and not less than 21 spaces.

- b. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least one Level 1 EV Ready Space.

Exception: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least one Level 1 EV Ready Space.

Notes:

1. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the authority having jurisdiction.
2. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.
3. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
4. Local jurisdictions may consider allowing exceptions through their local process, on a case by case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces. If costs are found to exceed this level, the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.
5. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with at least a Level 1 or Level 2 EV Ready Spaces.

4.106.4.2.1.1 Electric vehicle charging stations (EVCS).

When EV chargers are installed, EV spaces required by Section 4.106.4.2.2, Item 3, shall comply with at least one of the following options:

1. The EV space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The EV space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1 and Section 4.106.4.2.2, Item 3.

Note: Electric vehicle charging stations serving public housing are required to comply with the California Building Code, Chapter 11 B.

Section 4.106.4.2.2 Electric vehicle charging space (EV space) dimensions.

Refer to local authority having jurisdiction for parking dimension requirements.

4.106.4.2.3 Deleted

4.106.4.2.4 Deleted

4.106.4.2.5 Deleted

Chapter 5 Section 5.106.5.3 Electric vehicle (EV) charging thru 5.106.5.3.5 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance

Section 5.106.5.3 thru 5.106.5.3.5 are amended to read as follows:

5.106.5.3 Electric vehicle (EV) charging.

[N] New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation and use of EV.

Exceptions:

1. Where there is no commercial power supply.

5.106.5.3.1 Office and Institutional buildings.

In nonresidential new construction buildings designated primarily for office use and institutional buildings, with parking:

1. When 10 or more parking spaces are constructed, 50% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 20% shall be provided with at least Level 1 EV Ready Spaces; and
3. An additional 30% shall be at least Level 2 EV Capable.

Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 1 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1” and sufficient for installation of EVCS at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

Notes:

1. ALMS may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum requirements in this code. The option does not allow for installing less electrical panel capacity than would be required without ALMS.

5.106.5.3.2 Other nonresidential buildings.

In nonresidential new construction buildings that are not designated primarily for office use, such as those for retail uses:

1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 5% shall be at least Level 1 EV Ready.
Calculations for the required minimum number of spaces equipped with Level 2 EVCS and Level 1 EV Ready spaces shall be rounded up to the nearest whole number

Exception: Installation of each Direct Current Fast Charger with the capacity to provide at least 80 kW output may substitute for six Level 2 EVCS and five EV Ready spaces after a minimum of six Level 2 EVCS and five Level 1 EV Ready spaces are installed.

5.106.5.3.3 Clean Air Vehicle Parking Designation.

EVCS qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

Notes:

1. The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. www.dot.ca.gov/hq/traffops/policy/13-01.pdf.
2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides helpful information for local governments, residents and businesses. www.opr.ca.gov/docs/ZEV_Guidebook.pdf.
4. Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
5. It is encouraged that shared parking, EV Ready are designated as "EV preferred."

5.106.5.3.4 [N] Identification.

The raceway termination location shall be permanently and visibly marked as "EV Ready".

5.106.5.3.5 Deleted.

Section 12.26.030 Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

“Affordable Housing” means a housing development project, as defined in Government Code Section 65589.5(h)(2), in which at least forty percent (40%) of the units within the project are required by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document, to be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5, or at an affordable rent as defined in Health and Safety Code Section 50053, to persons and families of low or moderate income as defined by Section 50093 of the Health and Safety Code, lower income households as defined by Section 50079.5 of the Health and Safety Code, very low income households as defined by Section 50105 of the Health and Safety Code, or extremely low income households as defined by Section 50106 of the Health and Safety Code, for a period of 55 years for rental housing or 45 years for owner-occupied housing.

“Automatic Load Management Systems (ALMS)” means a control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver at least 1.4kW to each EV Capable, EV Ready or EVCS space served by the ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

“Build It Green” means the Build It Green organization. Build It Green is a California professional non-profit membership organization whose mission is to promote healthy, energy and resource-efficient buildings.

“Direct Current Fast Chargers” capable of charging at 20-400kW and delivers DC power directly to the battery and therefore able to charge faster. Examples of this type of charger include Superchargers and DC Fast Chargers currently used at some public and commercial sites.

“Electric Vehicle Charging Station (EVCS)” means a parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

“EV Capable” means a parking space linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1” in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

“Green Point Rated” means the rating system developed by Build It Green.

“LEED” means the “Leadership in Energy and Environmental Design” program developed by the U.S. Green Building Council. The U.S. Green Building Council is a National professional non-profit membership organization whose mission is to promote buildings that are environmentally responsible.

“LEED Accredited Professional” means a person or organization determined by the Building Official to be qualified to perform inspections and provide documentation to assure compliance with the U.S. Green Building Council LEED requirements.

“Level 1 EV Ready Space” means a parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

“Level 2 EV Ready Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

“Qualified Green Building Professional” means a person trained through the USGBC as a “LEED AP” (accredited professional), or through Build It Green as a GreenPoint Rater, or other qualifications when acceptable to the Building Official. A certified green building professional, architect, designer, builder, or building inspector may be considered a qualified green building professional when determined appropriate by the Building Official.

“Structural Renovations” means existing portions of roof framing and/or exterior walls removed for the purpose of rebuilding and remodeling.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the

enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES: Council Members Bruins, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES: Council Member Enander
ABSENT: None
ABSTAIN: None

Jan Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF LOS ALTOS)

CERTIFIED COPY OF ORDINANCE
SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-471, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES: BRUINS, FLIGOR, LEE ENG, PEPPER
NOES: ENANDER
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020.

Dated this ____ day of _____, 2020.

Andrea M. Chelemengos, MMC
City Clerk