

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**AMENDING CHAPTER 15.11 OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE EAST PALO ALTO MUNICIPAL CODE TO ADOPT A LOCAL AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING CODE TO ADOPT A “REACH” CODE AND MAKE NECESSARY CONFORMING AMENDMENTS.**

**WHEREAS**, on October 20, 2020 the City of East Palo Alto ("City") adopted the 2019 California Energy Code, with amendments to make it a “reach” code, in accordance with law and to use the most updated regulations in the processing of development in the City; and

**WHEREAS**, California Health and Safety Code section 17958 requires that cities adopt building regulations that are substantially the same as those adopted by the California Building Standards Commission and contained in the California Building Standards; and

**WHEREAS**, the California Energy Code is a part of the California Building Standards which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

**WHEREAS**, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 provide that the City may make changes or modifications to the building standards contained in the California Building Standards based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, the City Council of the City of East Palo Alto finds that each of the amendments, additions and deletions to the California Green Building Code contained in this ordinance are reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, the City Council has adopted a resolution making express findings, in accordance with Health and Safety Code Sections 17958.5, 17958.7, and 18941.5, that each of the local amendments to the 2022 California Green Building Code, are reasonably necessary because of local climatic, geological, topographic conditions; and

**WHEREAS**, consistent with the City’s Climate Action Plan, the local amendments to the 2022 California Green Building Code establish requirements to reduce regional pollution and promote a lower contribution to greenhouse gases emissions as evidenced by the statewide cost-effectiveness studies prepared by the California Statewide Investor Owned Utilities Codes and Standards Program, which demonstrate the potential for a reduction in emissions; and

**WHEREAS**, based upon these analyses, the City Council of the City of East Palo Alto finds that the local amendments to the California Green Building Code contained in this ordinance are cost effective and will require buildings to be designed to consume no more energy than permitted by the California Energy Code;

**WHEREAS**, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:**

**SECTION 1: RECITALS**

The City Council finds the foregoing recitals to be true and correct and hereby incorporates those recitals into this Ordinance.

**SECTION 2: PURPOSE AND INTENT**

It is the purpose and intent of this Ordinance to adopt the local amendments to the 2022 California Energy Code (Title 24, Part 6) that provide local, cost effective standards for new residential, non-residential, and hotel and motel buildings that exceed the minimum standards of the 2022 California Energy Code and 2022 California Green Building Standards Code to achieve energy savings, reduce local pollution, reduce greenhouse gas emissions, and address unique local climatic, geological, and topographical conditions.

**SECTION 3: AMENDMENTS TO GREEN BUILDING CODE**

Notwithstanding any provisions of the 2022 California Green Building Standards Code, or other codes adopted in any Chapter in the East Palo Alto Municipal Code to the contrary, the local amendments to the 2022 California Green Building Standards Code underlined for additions and ~~strike through~~ for deletions; otherwise, unchanged):

**CHAPTER 2  
DEFINITIONS**

[...]

**SECTION 202  
GENERAL**

[...]

**AFFORDABLE HOUSING.** Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

[...]

**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.

[...]

**AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS).** A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. An ALMS shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

[...]

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

[...]

**COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT.** An equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

[...]

**DIRECT CURRENT FAST CHARGING (DCFC).** A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

[...]

**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.

[...]

**ELECTRIC VEHICLE CHARGING STATION (EVCS).** ~~One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces.~~ A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV SPACE. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

[...]

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

[...]

**LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).** ~~[HCD] The 208/240 Volt 40 ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

[...]

**LEVEL 2 EV CAPABLE.** A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed

inaccessible conduit.

- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”
- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

**LEVEL 1 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

[...]

**LOW POWER LEVEL 2 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. [HCD]**

~~A 208/240 Volt 20 ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.~~

[...]

**CHAPTER 3  
GREEN BUILDING**

**SECTION 301  
GENERAL**

[...]

**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 alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or 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.~~

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

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

[...]

**CHAPTER 4  
RESIDENTIAL MANDATORY MEASURES**

***Division 4.1 PLANNING AND DESIGN***

[...]

**SECTION 4.106  
SITE DEVELOPMENT**

[...]

**4.106.4 Electric vehicle (EV) charging ~~for new construction.~~**

~~New Residential~~ construction shall comply with Sections 4.106.4.1, 4.106.4.2, and 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. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

**Exceptions:**

1. On a case-by-case basis, where the ~~local enforcing agency~~ Building Official has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
  - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
  - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.
3. Multifamily residential R-2 building projects that have approved entitlements before January 1, 2021 shall provide, based on the total number of parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.
4. East Palo Alto 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 Circuits and Level 1 EV Ready Circuits. 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. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost by more than \$400 per dwelling unit for residential buildings that entirely consist of either affordable rental units, defined as units rented at an amount consistent with the maximum rent

levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee. Residential developments meeting the above definition must have an Inclusionary Housing Plan that is approved by the Housing Division pursuant to Section 18.37.090. 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.

#### **4.106.4.1 ~~New~~ One- and two-family dwellings and town-houses with attached private garages.**

##### **4.106.4.1.1 New Construction.**

~~One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready* space. For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch. The raceway shall be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, and inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch-circuit overcurrent protective device.~~

~~**Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.~~

~~**4.106.4.1.1 Identification.** The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”.~~

~~**4.106.4.1.2. Existing Building.** Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.~~

~~**4.106.4.2 ~~New~~ Multifamily dwellings, hotels and motels and with new residential parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.**~~

~~**4.106.4.2.1 New Construction.** Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load~~



when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code Section 22511.2 for further details.

**4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.**

The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the California Electrical Code.

**Exceptions:**

1. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than the required number of EV capable spaces.
2. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

**Notes:**

- a. Construction documents are intended to demonstrate the project's

~~capability and capacity for facilitating future EV charging.~~

~~b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.~~

~~1. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.~~

~~**Exception:** Areas of parking facilities served by parking lifts.~~

#### ~~4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.~~

~~The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.~~

~~1. **EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.~~

~~The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV-CAPABLE" in accordance with the California Electrical Code.~~

~~Exception: When EV chargers (Level 2 EVSE) are installed in a number greater than five (5) percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the five (5) percent required.~~

#### ~~**Notes:**~~

~~a. Construction documents shall show locations of future EV spaces.~~

~~b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.~~

~~2. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For~~

~~multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.~~

~~**Exception:** Areas of parking facilities served by parking lifts.~~

- ~~3. **EV Chargers.** Five (5) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.~~

~~When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces~~

#### **4.106.4.2.2.2 Existing Buildings.**

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

#### **4.106.4.32.2.1 Electric vehicle charging stations (EVCS).**

Electric vehicle charging stations required by Section 4.106.4.2.2, ~~Item 3~~, shall comply with Section 4.106.4.~~32.2.4~~.

**Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

#### **4.106.4.3.12.2.1.1—Location.**

EVCS shall comply with at least one of the following options:

1. The charging 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 charging 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 4.106.4.3.12.2.1.1 and Section 4.106.4.3.22.2.1.2, Item 3.

#### **4.106.4.3.22.2.1.2 ~~Electric vehicle charging stations (EVCS)~~ Dimensions.**

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
  - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

**Exception:** Where the City's Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

**~~4.106.4.2.2.1.3 Accessible EV spaces.~~** ~~In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.1.2, all EVSE, when installed, shall comply with the accessibility provisions for EV chargers in the *California Building Code*, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with *California Building Code*, Chapter 11A, Section 1109A.~~

**4.106.4.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where

ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

#### **~~4.106.4.2.3 EV space requirements.~~**

- ~~1. **Single EV space required.** Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the location or the proposed location of the EV space. Construction documents shall identify the raceway termination point, receptacle or charger location, as applicable. The service panel and/or subpanel shall have a 40-ampere minimum dedicated branch circuit, including branch circuit overcurrent protective device installed, or space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

~~**Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space, at the time of original construction in accordance with the *California Electrical Code*.~~

- ~~2. **Multiple EV spaces required.** Construction documents shall indicate the raceway termination point and the location of installed or future EV spaces, receptacles, or EV chargers. Construction documents shall also provide information on amperage of installed or future receptacles or EVSE, raceway method(s), wiring schematics and electrical load calculations. Plan design shall be based upon a 40-ampere minimum branch circuit. Required raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.~~

~~**Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space at the time of original construction in accordance with the *California Electrical Code*.~~

#### **4.106.4.2.4 Identification.**

~~The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the *California Electrical Code*.~~

#### **4.106.4.2.5 Electric Vehicle Ready Space Signage.**

~~Electric vehicle ready spaces shall be identified by signage or pavement markings, in compliance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).~~

#### **~~4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.~~**

~~When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten (10) percent of the total number of parking spaces added or altered, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE.~~

#### **Notes:**

- ~~1. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.~~
- ~~2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.~~

**4.106.5 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of *electric heating appliances*.

**4.106.5.1. New construction and qualifying alteration projects.** All newly constructed buildings shall be all-electric buildings. Alterations that include replacement or addition of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be *all-electric buildings*. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the *all-electric buildings* requirements.

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 Building Official.

#### **Exceptions:**

1. 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 Building Official may grant a modification. The applicant shall comply with Section 4.106.5.2.

2. All-Electric domestic water heating requirements shall not apply to new residential structures that have central water heating and entirely consist of affordable rental units, defined as units rented at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee. Residential developments meeting the above definition must have an Inclusionary Housing Plan that is approved by the Housing Division pursuant to Section 18.37.090.
3. Multifamily residential building projects that have been granted planning entitlements before January 1, 2021, or have been approved, before the effective date of this ordinance, are not required to install all-electric water heating systems. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

~~4. Accessory Dwelling Units and Junior Accessory Dwelling Units shall be exempt from the all-electric building provisions of this section. For purposes of this exception, "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit" have the same definitions as set out in Government Code Sections 65852.2 and 65852.22, respectively.~~

5.4. When improvements to existing buildings contain physical constraints that prevent conformance to the All-Electric Building requirements, the applicant may request an exception. In applying for an exception, the burden is on the applicant to identify the size requirements to comply with an All-Electric Building.

Inactive *Fuel Gas Infrastructure* may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive *Fuel Gas Infrastructure* shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the *Fuel Gas Infrastructure* is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

~~the~~ The City shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

#### **4.106.5.2 Requirements for combustion equipment.**

Where *combustion equipment* is allowed per Exceptions under 4.106.5.1, 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 (e.g.. “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.

## **CHAPTER 5**

### **NONRESIDENTIAL MANDATORY MEASURES**

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

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

##### **5.106.5.3 Electric vehicle (EV) charging.**

**[N]** Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*.

Accessible EVCS shall be provided in accordance with the *California Building Code* Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

#### **Exceptions:**



1. On a case-by-case basis where the ~~local enforcing agency~~ Building Official has determined compliance with this section is not feasible based upon one of the following conditions:

- a. Where there is no local utility power supply.
- b. Where the local utility is unable to supply adequate power.
- c. Where there is evidence suitable to the ~~local enforcement agency~~ Building Official substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service. ~~adversely impact the construction cost of the project.~~

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

#### **5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared Parking Space.**

**5.106.5.3.1.1 New Construction.** Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.1.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

#### **~~5.106.5.3.1 EV capable spaces.~~**

~~[N] EV capable spaces shall be provided in accordance with Table 5.106.5.3.1 and the following requirements:~~

- ~~1. Raceways complying with the California Electrical Code and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box,~~

~~enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.~~

~~2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volts, 40 ampere minimum branch circuits for each EV capable space, with delivery of 30 ampere minimum to an installed EVSE at each EVCS.~~

~~3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.~~

~~4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".~~

~~Note: A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.~~

**TABLE 5.106.5.3.1**

<b>TOTAL NUMBER OF ACTUAL PARKING SPACES</b>	<b>NUMBER OF REQUIRED EV CAPABLE SPACES</b>	<b>NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)<sup>2</sup></b>
0-9	0	0
10-25	4	0
26-50	8	2
51-75	13	3
76-100	17	4
101-150	25	6
151-200	35	9
201 and over	20 percent of total <sup>1</sup>	25 percent of EV capable spaces <sup>1</sup>

~~1. Calculation for spaces shall be rounded up to the nearest whole number.~~

~~2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.~~

[...]

### **5.106.5.3.2 Electric vehicle charging stations (EVCS).**

EV capable spaces shall be provided with EVSE to create EVCS in the number indicated in Table 5.106.5.3.1. The EVCS required by Table 5.106.5.3.1 may be provided with EVSE in any combination of Level 2 and Direct Current Fast Charging (DCFC), except that at least one Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.

### **5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.**

**5.106.5.3.2.1 New Construction.** Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.2.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

### **5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.**

**5.106.5.3.3.1 New Construction.** Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.3.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally

adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

### **5.106.5.3.3 Use of automatic load management systems (ALMS).**

ALMS shall be permitted for EVCS. When ALMS is installed, the required electrical load capacity specified in Section 5.106.5.3.1 for each EVCS may be reduced when serviced by an EVSE controlled by an ALMS. Each EVSE controlled by an ALMS shall deliver a minimum 30 amperes to an EV when charging one vehicle and shall deliver a minimum 3.3 kW while simultaneously charging multiple EVs.

**5.106.5.3.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

### **5.106.5.3.4 Accessible EVCS.**

When EVSE is installed, accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3.

**Note:** For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

### **5.106.5.4 Electric vehicle (EV) charging readiness: medium-duty and heavy-duty. [N]**

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

#### **Exceptions:**

1. On a case-by-case basis where the local enforcing agency-Building Official has determined compliance with this section is not feasible based upon one of the following conditions:

- a. Where there is no local utility power supply.

- b. Where the local utility is unable to supply adequate power.
- c. Where there is evidence suitable to the ~~local enforcing agency~~ Building Official substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service. ~~adversely impact the construction cost of the project.~~

~~When EVCS(s) are installed, it shall be in accordance with the California Building Code, the California Electrical Code as follows:~~

**~~5.106.5.4.1 Electric vehicle charging readiness requirements for w~~Warehouses, grocery stores and retail stores with planned off-street loading spaces.**

[N] In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty ZEV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.
4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

**TABLE 5.106.5.4.1, Raceway Conduit and Panel power Requirements for Medium- and-Heavy-Duty EVSE [N]**

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

[...]

**5.106.13 All-electric buildings.** New construction buildings and qualifying alteration projects 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 and qualifying alteration projects.** All newly constructed buildings shall be *all-electric buildings*. Alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be *all-electric buildings*. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the *all-electric buildings* requirements.

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 Building Official.

**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 Building Official for a modification to install *commercial food heat-processing equipment* served by *fuel gas*. The Building Official may grant the modification if they find:
  - a. A business-related need to cook with *combustion equipment*, and

- b. The need cannot be achieved equivalently with an *electric heating appliance*; and
  - c. The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.
  - d. 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 Building Official may grant a modification. The applicant shall comply with Section 5.106.13.2.

~~3. Non-Residential Buildings containing a Scientific Laboratory Building, such area may contain a non-electric Space Conditioning System.~~

4.3. Exemption for public agency owned and operated emergency centers. To take advantage of this exception applicant shall provide third party verification that All-Electric space heating requirement is not cost effective and feasible.

5.4. When improvements to existing buildings contain physical constraints that prevent conformance to the All-Electric Building requirements, the applicant may request an exception. In applying for an exception, the burden is on the applicant to identify the size requirements to comply with an All-Electric Building.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, shall not have a meter installed, and/or shall not otherwise be used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

### **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 (e.g., “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 4: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council finds that adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in that the standards set forth in the ordinance are more protective of the environment than the California Energy Code standards, and there is no possibility that the activity in question may have a significant effect on the environment. As a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines section 15308 in that the standards set forth in the ordinance assure the maintenance, restoration, enhancement or protection of natural resources and the environment. In addition, CEQA Guidelines section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) applies to the project in that the standards set forth in the Ordinance are consistent with the General Plan and the Climate Action Plan.

#### **SECTION 5: IMPLIED REPEAL**



Any provision of the East Palo Alto Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

**SECTION 6:           REFERENCES TO PRIOR CODE**

Unless superseded and repealed (express or implied), references in City forms, documents and regulations to the chapters and sections of the former City codes, shall be construed to apply to the corresponding provisions contained within this Ordinance.

**SECTION 7:           SEVERABILITY**

If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8:           EFFECTIVE DATE**

This Ordinance shall become effective 30 days after the second public hearing.

**SECTION 9:           PUBLICATION / POSTING**

Within fifteen (15) days of its adoption, the Ordinance shall be posted in three (3) public places within the City of East Palo Alto, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of East Palo Alto prior to the effective date.

Introduced at a regular City Council meeting held on March 7, 2023, and adopted at a regular Council meeting held on March 21, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Lisa Gauthier, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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James Colin, City Clerk

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John D. Lê, City Attorney