Legislation Details (With Text)

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On agenda:	5/26/2021	**Final action:**	
Title:	An ordinance amending Title 15 (Buildings and Construction) of the South San Francisco Municipal Code to adopt certain modifications and additions to the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code which serve as Reach Codes to increase building efficiency and increase requirements related to electric vehicle charging stations.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. SSF CC Errata Sheet- Reach Codes.pdf		

Date	Ver.	Action By	Action	Result
5/26/2021	1	City Council		

An ordinance amending Title 15 (Buildings and Construction) of the South San Francisco Municipal Code to adopt certain modifications and additions to the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code which serve as Reach Codes to increase building efficiency and increase requirements related to electric vehicle charging stations.

WHEREAS, in 2019, the City of South San Francisco ("City") adopted by reference the 2019 California Building Standards Code, including the Green Building Standards Code and Building Efficiency Energy Standards, and as amended and adopted by the California Building Standards Commission, pursuant to the requirements of Government Code section 50020 et seq.; and

WHEREAS, pursuant to sections 17922,17958,17958.5 and 17958.7 and 18941.5 of the Health and Safety Code, the City may make certain amendments to the California Building Standards Code, including provisions of the Green Building Standards Code and Building Efficiency Energy 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 desires to amend portions of the California Energy Code/Building Energy Efficiency Standards relating to all-electric buildings, and the California Green Building Standards Code relating electric vehicles; and

WHEREAS, these proposed local amendments are to adopt a set of "Reach Codes" to better address local conditions, and establish energy standards that are more stringent than the statewide standards, based on express findings that such local amendments are reasonably necessary because of local climatic, geological or topographical conditions as set forth in this ordinance; and

WHEREAS, the proposed All-Electric Building Reach Code is intended to require buildings to achieve increased energy reductions and energy efficiency, and the proposed Electric Vehicle Reach Code is intended

to ensure that new buildings can charge a greater number of electric vehicles beyond state code requirements and reduce greenhouse gas emissions; and

WHEREAS, Public Resources Code Section 25402.l (h)2 and Section 10-106. of the Building Energy Efficiency Standards establish a process which allows local adoption of energy standards that are more stringent than the statewide standards (commonly referred to as Energy Reach Codes), provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the California Codes and Standards Reach Code Program ("State Reach Code Program") has facilitated a cost-effectiveness study for Energy Reach Codes, which analyzed the cost-effectiveness of several building prototypes including one-story and two-story single-family homes, a two-story and five-story multifamily building, a three-story office building, a one-story retail building, and a four-story hotel; and

WHEREAS, based on such study, the State Reach Program determined specific modifications to the 2019 State Energy Code for each climate zone that are cost effective and such modifications will result in designs that consume less energy than they would under the 2019 State Energy Code; and

WHEREAS, the single-family homes, multifamily homes, and office building prototypes and the related cost -effective analysis thereof are directly applicable to developments occurring in the City, and City staff has analyzed recent permit data in determining the scope of an Energy Reach Code; and

WHEREAS, based on the foregoing analyses and as described in the accompanying staff report, the City Council finds that local amendments to the California Energy 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 and proposed amendments to the California Green Building Standards Code will ensure that new buildings can charge a greater number of electric vehicles beyond state code requirements and reduce greenhouse gas emissions; and

WHEREAS, pursuant to Public Resources Code Section 25402.1(h)(2), Section 10-106 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, and the California Energy Commission's submission and approval process, the City Council further finds that the requirements in the proposed local amendments will save energy and are cost-effective within the City; and

WHEREAS, the City Council finds that each of the amendments, additions and deletions to the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code contained in this ordinance are reasonably necessary because of local climatic, geological or topographical conditions described in Section 1 below; and

WHEREAS, prior to the effective date of this ordinance, the City shall file a copy of the ordinance with the California Building Standards Commission and submit for review to the California Energy Commission, as applicable.

NOW THEREFORE, the City Council of the City of South San Francisco does hereby ordain as follows:

SECTION 1. Findings and Determinations

1. The foregoing Recitals and true and correct and are made a part of this ordinance.

2. The following local climatic, geologic and topographic conditions justify modifications to the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code.

A. The City Council of the City of South San Francisco finds that in order to best protect the health, safety and welfare of the citizens of the City of South San Francisco, the standards of building within the City must conform to state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations.

B. Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the governing body of the City of South San Francisco determines and finds that all the proposed modifications to the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

C. **Climatic:** The City is located in Climate Zone 3 as established in the 2019 California Energy Code. The City experiences precipitation averages 18.83 inches/year eighty percent (80%) falls during the months of November through April, and twenty percent (20%) from May through October. This is a dry period of at least five months each year. Humidity generally ranges from sixty two percent (62%) during daytime and eighty-six percent (86%) at night. It occasionally drops lower during the months of September through November. Temperatures have been recorded as high as 106 degrees Fahrenheit. Average summer highs are in the 70-73 degree range. Summer prevailing winds are from the North-West direction. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-10 mph range, gusting to 23 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur. These local climatic conditions affect the acceleration intensity, and size of fires in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. Climate change is causing historic draughts, devastating wildfires, torrential storms, extreme heat, property damage, and threats to human health and food supplies. The State of California has outlined specific steps to reduce greenhouse gas emissions to prevent these negative impacts of changing climate including moving the State to 100 percent clean energy by 2045. This gives local governments the opportunity to achieve greenhouse gas emission reductions with a climate-positive impact by powering buildings from clean electricity. These climatic conditions along with the greenhouse emissions generated from structures in both the residential and nonresidential sectors requires exceeding the energy standards for building construction established in the 2019 California Buildings Standards Code.

D. **Geologic:** The San Francisco Bay area region is densely populated and located in an area of high seismic activities. The City is located within San Mateo County which contains active faults such as San Andreas, San Gregorio, Seal Cove, and other lesser faults. The San Andreas Fault is located between 0 and 3 miles from any point within the City. Earthquake activity with nearby epicenters has the potential for inducing landslides which can create situations of reduced emergency response times and restoration of power utilities. Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities and natural gas infrastructure, which in turn cause power failures while at the same time starting fires or gas explosions throughout South San Francisco. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. There is a need to reduce dependence on the natural gas infrastructure to reduce harms and increase energy resiliency in the event of an earthquake. The modifications and

changes cited herein are designed to reduce natural gas hazards in buildings and encourage energy resiliency through increased installation of solar and storage systems.

E. **Topographic:** The City is made up of open terrain with scattered obstructions having heights and widths generally less than 30 feet, including flat open country, grasslands, hillsides and bay exposure. Significant elevation changes are also present in this setting; highly combustible dry grass, weeds and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. When these areas experience wildland fires, they immediately threaten nearby buildings. This condition is especially significant in developed areas of the City that interface and intermix with adjoining open space such as Sign Hill. The threat of wildland fires could be compounded by above-ground electrical power transmission lines suspended on poles and towers exist throughout the City. Additionally, South San Francisco's downtown and surrounding areas contain numerous historic and older buildings that are located very close together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs. The topography of the City also challenged by major development patterns, where major employment areas adjacent to major thoroughfares within the City have created added traffic congestion thereby reducing the response time capabilities of the various fire agencies. The conditions within the City create hazardous conditions for which modifications to adopt stricter standards than prescribed in the California Energy Code/Building Energy Efficiency Standards and the California Green Building Standards Code is warranted.

3. Amendments to the California Building Standard Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist.

SECTION 2. Amendments to Chapter 15.26- California Energy Code/California Building Energy Efficiency Standards (Cal. Code Regs. Title 24, Part 6)

A new section 15.26.020 is added to Chapter 15.26 of Title 15 of the South San Francisco Municipal Code to read as follows.

Section 15.26.020 Amendments to the Energy Code/Building Energy Efficiency Standards

The California Energy Code/Building Energy Efficiency Standards (Cal. Code Regs. Title 24, Part 6) are amended as follows, with additions in underline and deletions in ~~strikethrough~~. Chapter, section and table numbers used herein are those of the California Energy Code. Sections and subsections not amended are not included below and shall remain in full force and effect.

SUBCHAPTER 1
ALL OCCUPANCIES- GENERAL PROVISIONS

SECTION 100.0 - Scope

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(e) Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.

   EXCEPTION to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.
   A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable.

(i). Newly constructed residential buildings shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements under this subdivision A-1, newly constructed residential buildings as defined in Section 100.1 shall include a construction project where an alteration includes “renovations” to residential buildings where either (1) replacement of over 50% of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or (2) when over 50% of the existing framing above the sill plate is removed or replaced for purposes other than repair. If either of these criteria are met within a 3-year period, measured from the date of the most recent previously obtained permit final date, that structure is considered new construction and shall be subject to the All-Electric Building requirements. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the Director of Economic & Community Development or his or her designee.

Exception 1: Multifamily residential building projects with at least one hundred (100) units and that receive valid entitlements from the City of South San Francisco within six (6) months of the effective date of the enabling ordinance of this subdivision 2(i) are not required to be an All-Electric Building and shall be exempted from the requirements under this subdivision (2)(i). However, if the Director of Economic & Community Development or his or her designee grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 2: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Director of Economic & Community Development or his or her designee may grant a modification. If the Director of Economic & Community Development or his or her designee grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below. The applicant shall have the burden of proof in establishing that an exception is warranted under this Exception 2. The Director of Economic & Community Development or his or her designee may establish administrative guidelines to implement this Exception 2.

Exception 3: Newly constructed nonresidential buildings and all nonresidential occupancies in a mixed-use building shall be exempted from the requirements under this subdivision (2)(i).

Note 1: If natural gas appliances are used in any of the above Exceptions 1-2, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum

amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;

2. Both ends of the conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;

3. A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range;") and

4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If any of the Exceptions 1-2 are granted, the Director of Economic & Community Development or his or her designee shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

SECTION 100.1(b) - Definitions

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ALL ELECTRIC BUILDING is defined as a building that has no natural gas or propane plumbing installed within the building property lines, and instead uses only electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating, or fossil fuels for backup power generation. For the purposes of "renovations" to residential buildings listed under Section 100.0(e)(2)(i), where there is existing natural gas or propane plumbing service facilities or equipment within the building property lines, such preexisting service facilities or equipment may remain on the property but service shall cease and all facilities and lines must be capped off at the service point to the building.

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SECTION 3. Amendments to Chapter 15.22- California Green Building Code (Cal. Code Regs. Title 24, Part 11)

A new section 15.22.020 is added to Chapter 15.22 of Title 15 of the South San Francisco Municipal Code to read as follows.

Section 15.22.020 Amendments to the CALGreen Code

The California Green Building Code (Cal. Code Regs. Title 24, Part 11) is amended as follows, with additions in underline and deletions in ~~strikethrough~~. Chapter, section and table numbers used herein are

those of the California Green Building Code. Sections and subsections not amended are not included below and shall remain in full force and effect.

SECTION 2
DEFINITIONS

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SECTION 202. Definitions

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Level 1 EV Ready Space: 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: 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.

Electric Vehicle Charging Station (EVCS): 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. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

Automatic Load Management Systems (ALMS): 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 a minimum of 8-amperes and not less than 1.4-kiloWatts at the provided voltage, 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 on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

Affordable Housing: Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed my local agencies to be affordable based on area median income.

SECTION 4
RESIDENTIAL MANDATORY MEASURES

SECTION 4.106 SITE DEVELOPMENT

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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. On a case-by-case basis, where the local enforcing agency has determined EV charging and infra-structure are not feasible based upon one or more of the following conditions:~~

1. Where there is no commercial power supply

~~1.1. Where there is evidence substantiating that meeting the requirements will alter the local utility infra- structure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than $400.00 per dwelling unit.~~

2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical service upgrade. ADUs and JADUs without additional parking but with electrical service upgrades must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.

3. Multifamily residential building projects with at least one hundred (100) units and receives valid entitlements from the City within six (6) months of the effective date of the enabling ordinance for this Exception 3 shall provide at least ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, as electric vehicle charging spaces (EV spaces) capable of supporting future EV charging equipment . Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. The Director of Economic & Community Development or his or her designee may consider allowing exceptions to the requirements of this section, 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 cause extreme economic hardship. 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. If the applicant establishes that an Electric Vehicle Charging Infrastructure requirement is infeasible for the project due to exceptional or extraordinary circumstances particular to the project, then the Director of Economic & Community Development or his or her designee may grant a modification to the requirements of this Section 4, Residential Mandatory Measures. The applicant shall submit findings demonstrating: (1) a unique reason that makes the requirement at issue impractical; (2) the modification is in conformity with the intent and purpose of the Electric Vehicle Code; and (3) the modification will be narrowly tailored to the extent necessary to address the infeasibility only. Circumstances that constitute infeasibility include, but are not limited to, conflicts with other sections of the South San Francisco Municipal Code or Zoning Code or a lack of commercially available materials and technologies to comply with the requirements herein.

4.106.4.1 New one- and two-family dwellings and town- houses with attached private garages. For each dwelling unit, install a Level 2 EV Ready Space and Level 1 EV Ready Space. ~~listed raceway to accommodate a dedicated 208/240-volt 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 other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

Exception: For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

4.106.4.1.1 Identification. ~~The service panel or sub- panel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "Level 2 EV CAPABLE".~~ The raceway termination location shall be permanently and visibly marked as ~~"EV CAPABLE".~~ "Level 2 EV-Ready".

4.106.4.2 New multifamily dwellings. ~~If residential parking is available, ten (10) precent in 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 EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.~~ The following requirements apply to all new multifamily dwellings.

1. For multifamily buildings with less than or equal to 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 EV Ready Space.
2. When more than 20 multifamily dwelling units are constructed on a building site:
    a. Install one Level 2 EV Ready Space in the first 20 dwelling units with parking spaces.
    b. For each additional dwelling unit over 20, 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.
    c. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least a 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 a Level 1 EV Ready Space.

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.~~

1. 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.
2. The requirements apply to multifamily buildings with parking spaces including: a) assigned or

leased to individual dwelling units, and b) unassigned residential parking.

3. 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 Level 1 or Level 2 EV Ready Spaces.

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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.

4.106.4.2.2 Electric vehicle charging space (EV space) dimensions. The EV 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 EV 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 South San Francisco Municipal Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.2.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted by the Director of Economic & Community Development or his or her designee as described in Exception 4 of Section 4.106.4 above. New construction shall continue to comply with 2019 California Building Code Section11B-812 and Table11B-228.3.2.1, as applicable.

4.106.4.2.3 Automated Load Management Systems. As defined in Section 2, ALMS shall

be allowed to meet the requirements of 4.106.4.2.

~~**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 proposed location of the EV spaces. Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space (s) reserved to permit installation of a branch circuit over- current protective device.~~

~~**4.106.4.2.4 Multiple EV spaces required**. Construction raceway termination point and proposed location of future EV spaces and EV chargers Construction documents shall also pro- vide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify 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 the full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. 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.~~

~~**4.106.4.2.5 Identification.** The service panel or sub- panel 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.~~

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SECTION 4. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 5. California Environmental Quality Act

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)). Adoption of the proposed ordinance would not be an activity with potential to cause significant effect on the environment because the proposed changes made to the California Energy Code herein are enacted to provide more protection to the environment, and do not directly facilitate new development, or changes in the type and intensity of land use.

SECTION 6. Publication and Effective Date

This Ordinance, with the exception of amendments to the California Energy Code contained in Section 2

above, shall become effective thirty (30) days from and after its adoption. Amendments to the California Energy Code contained in Section 2 shall become effective following approval by the California Energy Commission.

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall: (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall: (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting.