

ORDINANCE NO. 23-06

AN ORDINANCE ESTABLISHING REACH CODES FOR THE CITY OF HAYWARD; ADOPTING CHAPTER 9, ARTICLE 8 OF THE HAYWARD MUNICIPAL CODE TO AMEND PART 11 (CALIFORNIA GREEN BUILDING STANDARDS CODE) OF THE CALIFORNIA BUILDING STANDARDS CODE (TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS); AND AMENDING THE CITY'S OFF-STREET PARKING REGULATIONS (CHAPTER 10, ARTICLE 2) OF THE HAYWARD MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose and Intent. It is the purpose and intent of this Ordinance to expressly enact local amendments to the 2022 California Building Code applicable to new construction to provide standards for new buildings to improve community health and safety while reducing greenhouse gas emissions.

Section 2. This ordinance shall become effective 30 days after adoption by the City Council. The following are hereby adopted as local amendments to Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations):

Chapter 9 of the Hayward Municipal Code
(Building Code)

A new Article 8 is added to Chapter 9 to read as follows:

2022 All-Electric & Electric-Ready Ordinance – New Construction

9-8.100.000 – Amend CALGreen Chapters 2, 4, and 5 to add requirements for FUEL GAS PLUMBING INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

Section 4.106.5 the California Green Building Standards Code (CALGreen) is added as follows:

9-8.100.010 Applicability

- A. The requirements of this Chapter shall apply to the building permits for all *newly constructed buildings* proposed to be located in whole or in part within the City.
- B. The prohibition of *fuel gas infrastructure* shall apply to permit applications on or after the effective date of this Chapter, and in perpetuity.

- C. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking or heating.
- D. This chapter shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title 24, Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval.
- E. The requirements of this Article shall be deemed objective planning standards under Government Code Section 65913.4 and objective development standards under Government Code Section 65589.5.

Section 202 of the California Green Building Standards Code is amended as follows:

9-8.100.020 Definitions

- A. "Fuel Gas" shall be defined as natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.
- B. "Fuel Gas Infrastructure" shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.
- C. "Newly Constructed" building shall be defined as a building that has never before been used or occupied for any purpose. New construction in existing buildings, such as alterations, additions, and tenant improvements, shall not be considered Newly Constructed.
- D. "Residential Building" shall be defined as a building, other than a hotel/motel, that is Occupancy Group R-2, multifamily, R-3, single-family; or U-building, located on a residential site. For the purposes of this Article, a Residential Building shall include accessory dwelling units and all portions of a mixed-use building, including those portions to be occupied by a non-residential use.
- E. "Non-Residential Building" shall be defined as any building which is classified as occupancy Group A, B, E, F, H, I, M, S, and/or U, as defined by Part 2 of Title 24 of the California Code of Regulation.

Section 4.106.5 of the California Green Building Standards Code is amended as follows:

9-8.100.030 Prohibited Fuel Gas Infrastructure in Newly Constructed Residential Buildings

- A. *Fuel Gas Infrastructure* shall be prohibited in *newly constructed residential buildings*.

Section 5.106.15 of the California Green Building Standards Code is amended as follows:

9-8.100.035 Electric Readiness in Newly Constructed Non-Residential Buildings

- A. Where *Fuel Gas Infrastructure* is installed as part of a *Newly Constructed Non-Residential Building*, the building shall be required to have sufficient electrical capacity, including reserved circuit breakers, electrical conduit, subpanels, panels, switchboards, and transformers, to facilitate future full building electrification in accordance with the California Electrical Code and manufacturer specifications, in addition to all other code requirements, and shall be depicted on the construction drawings.
- B. Physical space for future *electric heating appliances*, including equipment footprint and any associated ducting, shall be depicted on the construction drawings. The footprint necessary for future *electric heating appliances* may overlap with non-structural partitions and with the location of currently designed combustion equipment.

9-8.100.040 Periodic Review of Ordinance

The City shall review the requirements of this ordinance every 18 months for consistency with the California Energy Code and the Energy Commission's mid-cycle amendments and triennial code adoption cycle as applicable.

Amend CALGreen Chapters 2, 4, and 5 to add requirements for ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Chapter 10, Article 2 of the Hayward Municipal Code (Off-Street Parking Regulations)

Section 4.106.4 and Section 5.106.5.3 of the California Green Building Standards Code is amended as follows:

Chapter 10, Article 2 is amended as follows:

Section 10-2.000 – Purpose. This section is amended by adding the following sections:

- f. To Implement the City's climate change, transportation, affordable housing, and economic development objectives established by the Hayward 2040 General Plan;
- g. To Provide for the safe, efficient, and equitable use of electric automobiles; and
- h. To Reduce the air pollution and greenhouse gas emissions generated by automobile use.

Section 202 of the California Green Building Standards Code is amended as follows:

Section 10.2.100 – Definitions. This section is amended by adding the following definitions:

- a. 'Automatic Load Management Systems (ALMS).' The words 'Automatic Load Management Systems (ALMS)' shall mean a control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, or panels, and share electrical capacity and/or automatically manage power at each connection

point. ALMS systems must 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.

- b. 'Direct Current Fast Charging (DCFC).' The words 'Direct Current Fast Charging (DCFC)' shall mean a parking space provided with electrical infrastructure that meets the following conditions:
 - 1) A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
 - 2) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.
- c. 'Electric Vehicle Charging Station (EVCS).' The words 'Electric Vehicle Charging Station (EVCS)' shall mean a parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready 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.
- d. 'Electric Vehicle Supply Equipment (EVSE).' The words 'Electric Vehicle Supply Equipment (EVSE)' shall mean the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle 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.
- e. 'Level 2 EV Capable.' The words 'Level 2 EV Capable' shall mean a parking space provided with electrical infrastructure that meets the following requirements:
 - 1) 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.
 - 2) The conduit shall be designed to provide 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.
 - 3) 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."
 - 4) 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.

- 5) The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.
- f. 'Level 2 EV Ready.' The words 'Level 2 EV Ready' shall mean a parking space that is served by a complete electric circuit with the following requirements:
 - 1) A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
 - 2) 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 30-ampere.
- g. 'Low Power Level 2 EV Ready.' The words 'Low Power Level 2 EV Ready' shall mean a parking space that is served by a complete electric circuit with the following requirements:
 - 1) A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
 - 2) 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.
 - 3) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Section 4.106.4 and Section 5.106.5.3 of the California Green Building Standards Code is amended as follows:

Section 10.2.200 – Application. This section is amended by adding the following:

- a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply:
 - 1) At the time of construction of any new building; or
 - 2) At the time when new parking spaces are added due to a change of use or addition to an existing building. (The calculation of EV charging infrastructure required shall be based only on the number of parking spaces added.)

Chapter 10, Article 2 is further amended by adding a new Part VIII as follows:

VIII. REQUIREMENTS FOR EV CHARGING INFRASTRUCTURE

SEC. 10-2.800 ELECTRIC VEHICLE (EV) CHARGING SPACES

Electric vehicle (EV) charging infrastructure shall be provided and maintained for projects whenever off-street parking is provided. The infrastructure shall be provided in accordance with the requirements of the California Green Building Standards Code, Title 24 Part 11, and the requirements in this Section, whichever provides greater number of off-street parking spaces with access to EV charging infrastructure. All accessibility provisions shall meet California Building Code Chapters 11A and 11B and Part VII of this Article. All signage provisions shall meet Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

All such spaces shall count toward the minimum required parking spaces. Where two or more primary uses occupy a single site, the EV infrastructure required for each use shall be calculated separately. Calculations for the required minimum number spaces with EV infrastructure shall be rounded up to the nearest whole number. Requirements represent the minimum charging infrastructure required, and increases in installed infrastructure, such as EV Supply Equipment and delivered power, shall be permissible.

Sections 4.106.4.1, 4.106.4.2, and 5.106.5.3 of the California Green Building Standards Code are amended as follows:

SEC. 10-2.810 Electric Vehicle Charging Requirements by Use.

Uses	EV Charging Infrastructure Required
Single-Family Dwellings and Townhomes	<ul style="list-style-type: none"> Each of the first two parking spaces per dwelling unit shall be provided with a Level 2 EV Ready space.
Multiple-Family Dwellings	<ul style="list-style-type: none"> A minimum of 20% of dwelling units with parking spaces shall be provided with at least one Level 2 Ready and Electric Vehicle Charging Station (EVCS).; and All remaining dwelling units with parking spaces shall be provided with at least one Low Power Level 2 EV Ready space. The total number of EV charging spaces shall be equal to one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less. Automatic Load Management Systems (ALMS) shall be permitted to reduce load when multiple vehicles are charging.
Offices	<ul style="list-style-type: none"> A minimum of 20% of parking spaces provided shall be provided with a Level 2 Ready and EVCS; and A minimum of 50% of parking spaces provided shall be provided with a Level 2 Ready and EVCS or are Level 2 EV Capable. ALMS shall be permitted to reduce load when multiple vehicles are charging.
Hotels and Motels	<ul style="list-style-type: none"> A minimum of 15% of parking spaces provided shall be provided with a Level 2 Ready and EVCS; and A minimum of 40% of parking spaces provided shall be provided with a Low Power Level 2 Ready and EVCS or are Low Power Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging.
All Other Uses	<ul style="list-style-type: none"> A minimum of 10% of parking spaces provided shall be provided with a Level 2 Ready and EVCS; and A minimum of 20% of parking spaces provided shall be provided with a Level 2 Ready and EVCS or are Level 2 EV Capable. ALMS shall be permitted to reduce load when multiple vehicles are charging

SEC. 10-2.820 Direct Current Fast Charging stations.

- a. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of Section 10-2.810.
- b. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 2 spaces.

SEC. 10-2.830 Non-Proprietary Infrastructure.

- a. Electric vehicle supply equipment installed pursuant to this subsection shall be compatible with a broad range of electric vehicle makes and models.

Section 4.106.4 and Section 5.106.5.3 of the California Green Building Standards Code is amended as follows:

SEC. 10-2.840 Exceptions.

- a. Where there is no local utility power supply, or the local utility is unable to supply adequate power.
- b. 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 10-2.81081030-0.3 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.
- c. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
- d. Decisions on the above exceptions may be appealed pursuant to Section 10-2.430.

Section 3. Enactment of Local Amendments to the California Building Standards Code, Title 24, Part 11 (Amendments to Chapters 9 and 10 of the Hayward Municipal Code). The local amendments to the 2022 California Building Standards Code, Title 24, Part 11, are hereby enacted.

Section 4. Severability. The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is held to be invalid or preempted by state or federal law, such holding shall not impair or invalidate the remainder of this Ordinance. If any provision of this Ordinance is held to be inapplicable, the provisions of this Ordinance shall nonetheless continue to apply with respect to all other covered development projects and applicants. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from its coverage.

Section 5. Effective Date. This ordinance shall become effective 30 days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 6th day of June, 2023, by Council Member Zermeno.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the 20th day of June, 2023, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Andrews, Bonilla Jr. Goldstein, Roche, Syrop, Zermeno

MAYOR: Salinas

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED: _____

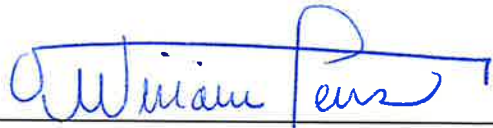


Mayor of the City of Hayward

DATE: _____

June 26, 2023

ATTEST: _____



City Clerk of the City of Hayward

APPROVED AS TO FORM:



City Attorney of the City of Hayward