

ORDINANCE NO. 24- ____

AN ORDINANCE AMENDING REACH CODES FOR THE CITY OF HAYWARD BY 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 Standards Code which are expected to not only comply with but also exceed upcoming 2025 California Building Standards Code applicable to new and existing construction to provide standards to improve community health and safety and electric vehicle readiness 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):

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 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:

- 'Assigned Parking'. The words 'Assigned Parking' shall mean parking spaces in a residential parking facility that are assigned or designated for use by a specific living unit within the building or residence.
- 'Level 2 Electric Vehicle (EV) Charging Receptacle'. The words 'Level 2 Electric Vehicle (EV) Charging Receptacle' shall mean a 208/240-volt 40-ampere minimum branch circuit and a receptacle.
- 'Unassigned Or Common Use Parking'. The words 'Unassigned Or Common Use Parking' shall mean parking spaces in a residential parking facility that are not reserved for or assigned to a specific living unit within the building or residence, including guest, staff, or other non-resident parking.

Section 10.2.200 – Application. This section is amended as follows:

Section 301.3, Section 4.106.4, and Section 5.106.5.3 of the California Green Building Standards Code are amended as follows:

- a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply at the time of construction of any new building.
 - 1) For EV charging infrastructure requirements for existing nonresidential buildings, see Section 5.106.5.4 of the California Green Building Standards Code.
 - 2) For EV charging infrastructure requirements for existing residential buildings, see Section 4.106.4.3 of the California Green Building Standards Code.
 - 3) For additional EV infrastructure requirements for select nonresidential buildings, see Section 5.106.5.5 of the California Green Building Standards Code.

Chapter 10, Article 2 is further amended 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 with Assigned Parking	<ul style="list-style-type: none"> • All dwelling units with parking spaces shall be provided with at least one Low Power Level 2 EV Ready space. • Automatic Load Management Systems (ALMS) shall be permitted to reduce load when multiple vehicles are charging. • EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical meter panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency.
Multiple-Family Dwellings with Unassigned or Common use Parking	<ul style="list-style-type: none"> • Where dwelling units are provided with unassigned parking spaces equal to or greater than the number of dwelling units and to the extent not otherwise prohibited by law: <ul style="list-style-type: none"> ○ At least one Level 2 Ready and Electric Vehicle Charging Station (EVCS) shall be provided at an unassigned parking space for a minimum of 25% of total dwelling units. ○ All remaining unassigned 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. • Where the total number of dwelling units exceeds the number of unassigned parking spaces and to the extent not otherwise prohibited by law: <ul style="list-style-type: none"> ○ For unassigned or common use parking, a minimum of twenty-five (25) percent of spaces shall be equipped with a Level 2 Electric Vehicle Charging Station (EVCS) and shall be made available for use by all residents or guests. ○ All remaining unassigned 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.
Offices and Retail	<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 25% 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 Receptacle Configurations.

- a. 208/240V EV charging receptacles shall comply with one of the following configurations:
 - 1) For 20- ampere receptacles, NEMA 6-20R
 - 2) For 30- ampere receptacles, NEMA 14-30R
 - 3) For 50- ampere receptacles, NEMA 14-50R

Sec. 10-2.833 EV Charger Connectors

EV chargers shall be equipped with SAE J1772 with a maximum output 240 Volts AC or SAE J3400 connectors. When using level 2 SAE J3400 SAE connectors, supplied by a 480 V 3-phase service, then at least 20 percent of the EV charger connectors shall be SAE J1772 with a maximum output 240 Volts AC.

Section 5.106.5.3.6 of the California Green Building Standards Code is amended as follows:

SEC. 10-2.835 Electric vehicle charging stations (EVCS)—power allocation method.

- a. The power allocation method may be used as an alternative to the requirements in Section 5.106.5.3.1, Section 5.106.5.3.2 and associated Table 5.106.5.3.1. Use Table 5.106.5.3.6 to determine the total power in kVA required based on the total number of actual parking spaces.
- b. Power allocation method shall include the following:
 - 1) Use any kVA combination of EV capable spaces, low power Level 2, Level 2 or DCFC EVSEs.
 - 2) At least one Level 2 EVSE shall be provided.

TABLE 5.106.5.3.6

<u>FACILITY TYPE</u>	<u>MINIMUM TOTAL kVA @ 6.6 kVA¹</u>	<u>MAXIMUM kVA ALLOWED FOR EV CAPABLE SPACES^{1, 2}</u>	<u>MINIMUM kVA REQUIRED IN ANY COMBINATION OF LOW POWER LEVEL 2, LEVEL 2, OR DCFC^{1, 3,}</u>
<u>Office & Retail</u>	<u>50% of actual parking spaces x 6.6</u>	<u>30% of actual parking spaces x 6.6</u>	<u>20% of actual parking spaces x 6.6</u>
<u>All Other</u>	<u>20% of actual parking spaces x 6.6</u>	<u>10% of actual parking spaces x 6.6</u>	<u>10% of actual parking spaces x 6.6</u>

- 1. Calculation for spaces shall be rounded up to the nearest whole number.
- 2. If EV capable spaces are utilized, they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.
- 3. Level 2 EVSE @ 6.6 kVA minimum.

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 10-2.810 through Section 10-2.835 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. 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.
- e. 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.

