

ORDINANCE 605

AN ORDINANCE OF THE TOWN OF LOS ALTOS HILLS AMENDING CHAPTER 1.10 (GREEN BUILDING STANDARDS CODE) OF TITLE 8 (BUILDING REGULATIONS) OF THE LOS ALTOS HILLS MUNICIPAL CODE AND ADOPT REGULATIONS THAT REQUIRE THE ELECTRIFICATION OF NEW RESIDENTIAL BUILDINGS BASED ON SPECIAL LOCAL CONDITIONS AND ADOPT REGULATIONS TO REQUIRE EV READY CONSTRUCTION FOR NEW RESIDENTIAL BUILDINGS AND ADOPT A NEW CHAPTER 11 OF TITLE 8 TO ESTABLISH AN ELECTRIC VEHICLE PERMIT STREAMLINING PROCESS AND TIMELINES

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 Code of Regulations – Title 24; and

WHEREAS, the 2022 California Green Building Standards Code is a part of the 2022 California Code of Regulations and implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, AB 1236 and 970 require jurisdictions to adopt an expediated permit process and specific review timelines for Electric Vehicle Charging Station; and

WHEREAS, pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council of the Town of Los Altos Hills hereby finds that the modifications to the building standards contained in the California Code of Regulations are reasonably necessary based on the following local climatic, geological or topographical conditions:

1. Climatic: The Town is located in Climate Zone 3 as established in the California Energy Code. Climate Zone 3 incorporates communities near the coast from Marin County to southern Monterey County including Los Altos Hills. The Town experiences precipitation ranging from 18 to 22 inches per year with an average of approximately 20 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time and temperatures average 80 degrees the mid-50s in winter. These climatic conditions along with the greenhouse emissions generated from residential structures requires exceeding the energy standards for building construction established in the 2019 California Building Standards Code. The Town’s City Council also adopted a Climate Action Plan that has a goal of reducing greenhouse gas emissions below 1990 levels by the year 2030. In order to achieve and maintain this goal, the Town needs to adopt policies and regulations that reduce the use of fossil fuels that contribute to climate change, such as natural gas in buildings.

2. **Geologic:** The Town of Los Altos Hills is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta Earthquake, up the San Francisco Peninsula eventually moving offshore at Daly City near Mussel Rock. This fault system is considered a major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity.
3. **Topographic:** The Town of Los Altos Hills consists of ridgelines, rolling foothills and deep wooded canyons that affect climate conditions resulting in increased use of heating and cooling systems and the trapping of potential greenhouse gases in the valley floors.

WHEREAS, in accordance with Health and Safety Code section 17958.7, the City Council hereby finds that each of the above findings is applicable to each of the modifications to the 2022 Edition of the California Building Standards Code described in this ordinance; and

WHEREAS, the City Council of the Town of Los Altos Hills finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

NOW, THEREFORE, the City Council of the Town of Los Altos Hills does hereby further **ORDAIN** as follows:

1. Title 8, Chapter 1.10, “Green Building Standards Code,” of the Los Altos Hills Municipal Code is hereby amended. Sections not affected by this amendment are not included below and shall remain in full force and effect.

Chapter 1.10 CALIFORNIA GREEN BUILDING STANDARDS CODE

The Green Building Standards Code is amended as follows:

- A. Chapter 2 **Definitions** is amended by adding the following definitions to read:

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.

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

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

- B. Chapter 4 **Residential Mandatory Measures** is amended by adding the following sections to read:

DIVISION 4.1 PLANNING AND DESIGN

SECTION 4.106 SITE DEVELOPMENT

4.106.5 All-electric buildings. New construction buildings 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 indoor cooking appliances.

4.106.5.1. New construction. All newly constructed buildings, newly constructed detached accessory dwelling units, and other newly constructed detached habitable structures shall be all-electric buildings.

Tenant improvements shall not be considered new construction.

Exceptions:

1. Indoor cooking for residential building projects is exempted from the requirements of 4.106.5.1. The applicant shall comply with Section 4.106.5.2.
2. Outdoor cooking, fireplaces, and pool/spa heaters for residential building projects are exempted from the requirements of 4.106.5.1.

4.106.5.2 Requirements for indoor cooking combustion equipment. Where indoor cooking combustion equipment is allowed per exception #1 under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical cooking 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 cooking 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 Cooking Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Cooking Appliance”), 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 cooking 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 cooking appliances, including equipment footprint shall be depicted on the construction drawings. The footprint necessary for future electrical cooking appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

C. Appendix Chapter A4 Section A4.106.8 **Electric Vehicle (EV) Charging for New Construction** is adopted.

2. Title 8, Chapter 11, **STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS** is added.

8-11.01 Purpose.

The intent of this chapter is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) and AB 970 to achieve timely and cost-effective installations of electric vehicle charging stations. The chapter encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the Town of Los Altos Hills, and expanding the ability of property owners to install electric vehicle charging stations. The chapter allows the Town of Los Altos Hills to achieve these goals while protecting the public health and safety.

8-11.02 Definitions.

- (a) **ELECTRIC VEHICLE CHARGING STATION(S) or CHARGING STATION(S)** means any level of electric vehicle supply equipment station that is designed and built in compliance with California Code of Regulations, Title 24 Part 3 California Electrical Code Article 625, as it reads on the effective date of this chapter or as it may be amended, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (b) **SPECIFIC, ADVERSE IMPACT** means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

8-11.03 Applicability.

This chapter applies to the permitting of all electric vehicle charging stations in the Town of Los Altos Hills. Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type,

or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

8-11.04 Electric vehicle charging stations requirements.

- (a) All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the Town.
- (b) Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and where applicable, rules of the Public Utilities Commission regarding safety and reliability.

8-11.05 Submittal requirements.

- (a) All documents required for the submission of an electric vehicle charging station system application shall be made available on the Town of Los Altos Hills website.
- (b) Electronic submittal of the required permit application and associated documents for electric vehicle charging station system permits may be made by email. As an alternative an applicant may submit a permit application and associated documents at the Building Division front counter during regular business hours.
- (c) The Building Division shall adopt a checklist of all requirements with which the electric vehicle charging stations shall comply to be eligible for expedited review. The electric vehicle charging station permit process, standard(s) and checklist(s) shall substantially conform to recommendations for permitting, including the checklist and standards contained in the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research.
- (d) All fees prescribed for the permitting of electric vehicle charging stations shall comply with Cal. Gov't Code § 65850.55, Cal. Gov't Code § 66015, Cal. Gov't Code § 66016, and State Health and Safety Code § 17951 as set forth in the fee schedule adopted by resolution by the Town Council.

8-11.05 Plan review, permit, and inspection requirements.

(a) Permit Application and Plan Review

- i. Prior to submitting application
Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have a specific, adverse impact upon public health and safety and building occupants. Verification by the

applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

ii. **Administrative Review:**

The Building Division shall prepare and implement an administrative, nondiscretionary permit issuance process, in accordance with AB 970, to expedite approval of electric vehicle charging station permits within thirty (30) days of the adoption of the ordinance codified in this chapter.

iii. **Complete Application:**

A permit application that satisfies the information requirements in the Town's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the Town-adopted checklist and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the Building Division.

iv. **Incomplete Application:**

If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be emailed to the applicant for resubmission.

v. **Review of the Application:**

Review of the permit application shall be limited to the Building Division's review of whether the application meets local, State and Federal health and safety requirements.

(b) Inspections

- i. Only one inspection shall be required and performed by the Building Division for electric vehicle charging systems. During the required inspection, if it is found that the installation does not conform to the approved plans and/or comply with the current California Building Code and/or California Electrical Code requirements, then an additional follow-up inspection, or inspections, shall be required. If an electric vehicle charging station system fails inspection, a subsequent inspection is authorized.

ii. The Building Division inspection shall be scheduled within three (3) business days, upon request, and may include consolidated inspections.

- 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.
- 4. Effective Date; Publication.** This ordinance shall take effect thirty (30) days after adoption. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published once, with the names of those City Councilmembers voting for or against it in a newspaper of general circulation in the Town of Los Altos Hills, as required by law. Prior to the effective date of this ordinance, the City Clerk shall further file a copy of the ordinance, with the California Building Standards Commission.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS: None

ABSENT: None

BY:

George Tyson, Mayor

ATTEST:

Deborah Padovan, City Clerk

APPROVED AS TO FORM:

Steve Mattas, City Attorney