

ORDINANCE NO. 919

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING THE COTATI MUNICIPAL CODE CHAPTER 14.04 “BUILDING AND CONSTRUCTION, UNIFORM CODES” TO ADOPT AN ELECTRIC VEHICLE CHARGING REACH CODE

WHEREAS, greenhouse gas (“GHG”) accumulation in the atmosphere as the result of human activity is the primary cause of the global climate crisis; and

WHEREAS, the State of California enacted Senate Bill (SB) 32 to require that GHG emissions be reduced to 40% below 1990 levels by 2030 and Governor Brown issued Executive Order B-55-18 establishing a statewide target of carbon neutrality by 2045; and

WHEREAS, California has committed to transition the state’s electricity to 100% clean sources before 2045; and

WHEREAS, on November 26, 2019 the City Council passed Resolution 2019-74 declaring a climate emergency and joined a nationwide call for a just transition away from fossil fuels; and

WHEREAS, the Sonoma Climate Mobilization Strategy, which encourages local jurisdictions to pursue Reach Codes as a means to reduce GHG emissions, was adopted by the Regional Climate Protection Authority on March 8, 2021, and includes as a key strategy the increased installation of electric vehicle (“EV”) charging stations; and

WHEREAS, Cotati and its neighboring jurisdictions are already experiencing and at risk of more frequently experiencing the devastating effects of extreme heat and weather events and flooding caused by climate change, including increased frequency and magnitude of wildfires and associated air pollution, health impacts, utility and transportation service interruptions, economic disruption, property loss, dislocation, housing shortages, food insecurity, school closures, impacts on agricultural production, and increased demand on public sector resources and emergency response capacity; and

WHEREAS, on October 25, 2022, at a duly noticed public hearing, the City Council adopted by ordinance the 2022 California Building Standards Code (Title 24 of the California Code of Regulations), with minor amendments, as Chapter 14.04 “Building and Construction, Uniform Codes” of the Cotati Municipal Code (CMC) to take effect January 1, 2023; and

WHEREAS, local jurisdictions are authorized by Health and Safety Code Sections 18941.5, 17958.5, and 17958.7 to adopt local ordinances, known as Reach Codes, that are more restrictive than the minimum standards defined by the California Building Standards Code when deemed reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City Council finds that in order to best protect the health, safety and welfare of the citizens of the City of Cotati, the standards of building within the City must conform with state law except where local conditions warrant more restrictive regulations; and

WHEREAS, in light of the foregoing, the City Council finds that certain local amendments to Chapter 14.04 of the Cotati Municipal Code related to installation of EV charging infrastructure in an effort to reduce GHG emissions are necessary in order to better address local conditions which warrant more restrictive regulations; and

WHEREAS, the California Energy Commission has concluded that EV charging does not constitute an energy efficiency or conservation standard and is outside their scope, and that electric vehicle related amendments may be made in Part 11 of the California Building Standards Code, called the California Green Building Standards Code (“CALGreen”); and

WHEREAS, this Reach Code Ordinance contains amendments to CALGreen as set forth in CMC Chapter 14.04 that are more stringent than the CALGreen standards by requiring EV charging infrastructure and equipment, resulting in reduced greenhouse gas emissions from burning fossil fuels; and

WHEREAS, nothing in this Ordinance is intended to amend or conflict with any provisions of the Energy Policy and Conservation Act of 1975, the National Energy Conservation Policy Act of 1978, or any subsequent amendments, including but not limited to the Energy Policy Act of 1992, or to impose requirements to use or install any applicable appliance or appliance system; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (CEQA) under:

- i. Section 15061(b)(3) on the grounds that these standards are more stringent than the State green building standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment;
- ii. Section 15145 on the grounds that no physical changes to the environment will result from adoption of the proposed code amendments alone, that evaluation of future project-level impacts would be too speculative to include in this analysis, and that future developments allowed by the code amendments would be subject to individual review and to project-specific use, development, and design standards on a project specific basis, including project-level CEQA analysis if applicable;
- iii. Section 15183 on the grounds that the proposed code amendment is intended to maintain the potential intensity of development that may otherwise be permitted in the underlying zoning districts where developments subject to the code amendment may occur and thus the proposed code amendments maintain the current potential for environmental impacts as analyzed in the Cotati General Plan Environmental Impact Report (EIR) (SCH# 2013-08-2037), certified in March 2015;
- iv. Section 15268 on the grounds that pursuant to Government Code Section 65850.7(b), cities shall administratively approve electric vehicle charging stations through a

- nondiscretionary building permit and per Section 15268, ministerial projects, such as issuance of a building permit, are exempt from CEQA;
- v. Sections 15307 and 15308 on the grounds that: a) the City, as regulatory agency, is authorized to amend the Green Building Standards Code; b) this ordinance assures the maintenance and protection of the environment by amending the Green Building Standards Code to impose more stringent EV charging requirements for future buildings and certain additions and alterations; and c) the ordinance will institute regulatory requirements intended to protect the environment and natural resources by requiring installation of more EV charging infrastructure, which will reduce the amount of fossil fuels burned, thereby reducing the amount of GHG emissions; and
 - vi. Section 15378 because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that the Reach Code Ordinance is consistent with the intent of the City of Cotati General Plan; and

WHEREAS, notice of this Ordinance was published in accordance with Government Code Section and 6066; and such notice was sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter contained therein; and

WHEREAS, the City Council held a duly noticed public hearing on June 13, 2023, and has reviewed all evidence submitted in connection with the staff report, including public testimony and all other documents and evidence that are part of the City administrative record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose.

The purpose of this chapter is to modify the applicable provisions of the 2022 California Green Building Standards Code (Title 24, Part 11) (CALGreen) of the California Code of Regulations that apply to EV charging, and to enhance long-term public health and welfare by contributing to the overall reduction of greenhouse gas emissions associated with fossil fuel combustion.

SECTION 2. Findings.

The City of Cotati incorporates the findings above by reference and adopts these additional findings.

A. Human activities, such as burning natural gas to heat buildings and water, releases greenhouse gases into the atmosphere and causes an overall increase in global average temperature. An increase in global average temperatures causes more extreme and frequent weather events. Reducing the number of gas- and diesel-fueled vehicles by promoting EV charging availability will reduce the amount of fossil fuel that is burned, thus reducing the amount of greenhouse gases released into the atmosphere.

B. The City is in Climate Zone 2 as established by the 2022 California Energy Code. The City, on average, experiences an approximate annual rainfall of 30 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding. Winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The City can also experience periods of heavy fog, which can delay responding fire apparatus and prevent early discovery of structure fires. During the dry period, temperatures range from 70 to 82 degrees, with increasingly frequent heat spikes into the 90s. These temperatures are occasionally accompanied by light to gusty winds, which when coupled with highly flammable vegetation, can cause uncontrollable fires. Wind driven fires could have severe consequences, as has been demonstrated on numerous occasions throughout the state.

C. The City is susceptible to seismic hazards resulting from movement along any one of several known faults in the area. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires due to damaged gas lines, power lines, or heat producing appliances, and the unavailability of water for fire control due to broken water mains. In the event of a major earthquake many areas of the City may not be accessible to emergency equipment and, if bridges or roads are damaged, the City may be isolated from outside assistance.

D. The City is divided by Highway 101 which creates a barrier and can obstruct traffic patterns and increase response time for fire equipment. The City's water supply and sewer system were both designed to work with existing topography but can be adversely affected by loss of normal operation. Sewer lift stations and well equipment can both be compromised by interruption in electrical service.

E. Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity, and the size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the California Building Standard Code Title 24 be amended to mitigate the effects of these conditions.

SECTION 3: Code Amendments.

Section 14.04.130 of the Cotati Municipal Code is hereby repealed and readopted as follows:

Section 14.04.130 California Green Building Standards

Adoption of the **California Code of Regulations Title-24 Part 11: California Green Building Standards Code 2022** edition as published by the International Code Conference and amended herein, including the following appendices:

Appendix Chapter A4, Residential Voluntary Measures, Tier 1 including Divisions A4.1, A4.3, A4.4 and A4.5, and Sections A4.601.1, A4.601.2, A4.601.3 and A4.601.4 of the California Green Building Standards Code, 2022 Edition, as amended herein.

Appendix Chapter A5, Non-Residential Voluntary Measures, Tier 1 including Divisions A5.1, A5.3, A5.4 and A5.5 and Sections A5.601.1, A5.601.2 and A5.601.4 of the California Green Building Standards Code, 2022 Edition, as amended herein.

The California Green Building Standards Code, Title 24, Part 11 and Appendices A4 and A5, are amended as specified below. Changes to the California Code are marked with underlines for additions and strikeouts for deletions. Sections not referenced are not modified.

Appendix A4 Residential Voluntary Measures Section A4.601.1 Scope is deleted in its entirety and amended to read as follows:

A4.601.1 Scope. The Tier 1 measures contained in this appendix, Division A4.1, A4.3, A4.4, A4.5 and A4.6 are adopted as mandatory provisions.

Appendix A5 Nonresidential Voluntary Measures Section A5.601.1 Scope is deleted in its entirety and amended to read as follows:

A5.601.1 Scope. The Tier 1 measures contained in this appendix, Division A5.1, A5.3, A5.4, A5.5 and A5.6 are adopted as mandatory provisions

Section 202 Definitions, is amended to add or modify the following definitions to read as follows:

ELECTRIC VEHICLE (EV) CHARGER. [BSC-CG] Off-board charging equipment used to charge an electric vehicle.

ELECTRIC VEHICLE CHARGING STATION (EVCS). [HCD] One or more electric vehicle charging spaces served by EVSE or receptacle(s).

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). [HCD] The conductors, including the ungrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, personnel protection system, 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 ELECTRIC VEHICLE SUPPLY EQUIPMENT. [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 ELECTRIC VEHICLE (EV) CHARGER. [HCD] A 208/240-volt 30-ampere minimum electric vehicle charger connected to the premises electrical system capable of charging electric vehicles.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING

RECEPTACLE. [HCD] A 208/240-volt 20-ampere minimum branch circuit and a receptacle-

The first paragraph of Section 4.106.4 Electric vehicle (EV) charging for new construction is amended to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Section 4.106.4.1 or 4.106.4.2. Electric vehicle supply equipment (EVSE) shall comply with the *California Electrical Code*.

The first paragraph of Section 4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages is amended to read as follows:

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit and comply with Section A4.106.8.1, Tier 1. 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 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.

The first paragraph of Section 4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities is modified as follows:

4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.2- and A4.106.8.2, Tier 1. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as an 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.

Section 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 is deleted in its entirety and Marked as “Reserved”.

Section 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 is deleted in its entirety and replaced with text to read as follows:

4.106.4.2.2 Multifamily dwellings, hotels and motels

1. EV Ready Parking Spaces with Receptacles

- a. Reserved (see A4.106.8.2)
- b. Reserved (see A4.106.8.2)
- c. **Receptacle Power Source.** EV charging receptacles in multifamily parking facilities shall be provided with a dedicated branch circuit connected to the dwelling unit’s electrical panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency.

Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical-access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.

- d. **Receptacle Configurations.** 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

2. Reserved

Section 4.106.4.2.2.1 Electric vehicle charging stations (EVCS) is amended to read as follows:

4.106.4.2.2.1 Electric vehicle charging stations (EVCS) Electric vehicle charging stations required by Section 4.106.4.2, with EV chargers installed shall comply with Section 4.106.4.2.2.1.1.

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.

Section 4.106.4.2.2.1.1 Location is deleted in its entirety.

Section 4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions is renumbered as Section 4.106.4.2.2.1.1 and amended to read as follows:

4.106.4.2.2.1.1 Electric vehicle charging stations (EVCS) spaces with EV chargers installed; dimensions and location. EVCS spaces shall be designed to comply with the following:

1. The minimum length of each EVCS space shall be 18 feet (5486 mm).
2. The minimum width of each EVCS space shall be 9 feet (2743 mm).
3. One in every 25 EVCS spaces, but not less than one, shall also have an 8-foot (2438 mm) wide aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EVCS space is 12 feet (3658 mm). Surface slope for this EVCS space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction. These EVCS spaces shall also comply with at least one of the following:
 - a. The EVCS 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.
 - b. The EVCS 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 4.106.4.2.2.1.1.

Section 4.106.4.2.2.1.3 Accessible EV spaces is renumbered as Section 4.106.4.2.2.1.2 and amended to read as follows:

4.106.4.2.2.1.32 Accessible electric vehicle charging station spaces. In addition to the requirements in Section 4.106.4.2.2.1.1, all EV chargers, where 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.

Section 4.106.4.2.3 EV space requirements is deleted in its entirety and Marked as “Reserved”.

Section 4.106.4.2.4 Identification is deleted in its entirety and Marked as “Reserved”.

Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings is amended to read as follows:

4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings. Where 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 EV capable spaces to support future Level 2 electric vehicle supply equipment. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE.”

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.

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction is adopted as mandatory and amended to read as follows:

A4.106.8 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections A4.106.8.1 or A4.106.8.2, to facilitate the installation and use of EV ready spaces. Electric vehicle supply equipment (EVSE) shall comply with the *California Electrical Code*.

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2 New multifamily development projects and hotels and motels, Tier 1 is adopted as mandatory and amended to read as follows:

A4.106.8.2 New multifamily dwellings, hotels and motels. New multifamily dwellings, hotels and motels shall meet the following requirements.

A4.106.8.2.1 New multifamily development projects, and, hotels and motels.

Tier 1.

1. Hotels and Motels

Fifty (50) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

Fifteen (15) percent of the total number of parking spaces for hotels and motels shall be equipped with Level 2 EV chargers. At least fifty (50) percent of the required EV chargers shall be equipped with J1772 connectors.

Exception: Hotels and motels may substitute Level 2 EV chargers for some or all of the required EV charging receptacles. Where Level 2 EV chargers are installed in place of low power Level 2 receptacles, at least fifty (50) percent of the installed EV chargers shall be equipped with J1772 connectors.

2. Multifamily Parking Facilities

Fifty (50) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. EV charging receptacles required

by this section shall be located in at least one assigned parking space per dwelling unit where assigned parking is provided but need not exceed fifty (50) percent of the total number of parking spaces provided on the site.

Fifteen (15) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers. At least fifty (50) percent of the required EV chargers shall be equipped with J1772 connectors. Where common use parking or unassigned parking is provided, EV chargers shall be located in common use or unassigned parking areas and shall be available for use by all residents or guests.

Exception to Section A4.106.8.2: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical-access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.

Note to Section A4.106.8.2: 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 EV chargers shall have a capacity of not less than 30 amperes.

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2.2 Technical Requirements is adopted as mandatory and amended to read as follows:

A4.106.8.2.2 Technical requirements. The EV spaces required by Section A4.106.8.2 shall be designed and constructed in accordance with Sections 4.106.4.2, 4.106.4.2.2.1.1, 4.106.4.2.2.1.2, and 4.106.4.2.5.

The first paragraph of Section 5.106.5.3 Electric Vehicle (EV) charging is amended to read as follows:

5.106.5.3 Electric vehicle (EV) charging. [N] Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section A5.106.5.3 (Tier 1) and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code.

Section 5.106.5.3.2 Electric vehicle charging stations (EVCS) is amended to read as follows:

5.106.5.3.2 Electric vehicle charging stations (EVCS). EV capable spaces shall be provided with electric vehicle supply equipment (EVSE) to create EVCS in the number indicated in Section A5.106.5.3. The EVCS required by Section A5.106.5.3 shall be provided with Level 2 EVSE or DCFC as permitted in Section 5.106.5.3.2.1. 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 A5.106.5.3 for each EV capable space is accumulatively supplied to the EV charger.

5.106.5.3.2.1 The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE or EVCS with Level 2 EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.

5.106.5.3.2.2 The installation of two Low Power Level 2 EV charging receptacles shall be permitted to reduce the minimum number of required EV capable spaces without EVSE in Section A5.106.3 by one.

Section 5.106.5.3.4 Accessible EVCS is amended to read as follows:

5.106.5.3.4 Accessible electric vehicle charging station (EVCS). When EVSE is installed, accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3.

Section 5.106.5.3.5 Electric vehicle charging station signage is added to read as follows:

5.106.5.3.5 Electric vehicle charging station signage. Electric vehicle charging stations 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).

Section 5.106.5.4 Electric vehicle (EV) charging: medium-duty and heavy-duty is renumbered as Section 5.106.5.5 and amended to read as specified below.

A new Section 5.106.5.4 Additions or Alterations to existing buildings or parking facilities is added to read as follows:

5.106.5.4 Additions or Alterations to existing buildings or parking facilities [A]. [BSC-CG] Existing buildings or parking facilities being modified by one of the following, shall comply with Section 5.106.5.4.1 or 5.106.5.4.2. When EVSE is installed, accessible EVCS shall be provided in accordance with the California Building Code, Chapter 11B, Section 11B-228.3.

1. When the scope of construction work includes an increase in power supply to an electric service panel as part of a parking facility addition or alteration.
2. When a new photovoltaic system is installed covering existing parking spaces.
3. When additions or alterations to existing buildings are triggered pursuant to code Section 301.3 and the scope of work includes an increase in power supply to an electric service panel.

Exceptions:

1. On a case-by-case basis where the local enforcing agency 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 substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
 - d. Where demonstrated as impracticable excluding local utility service or utility infrastructure issues.

2. Remote parking facilities that do not have access to the building service panel.
3. Parking area lighting upgrades where no trenching is part of the scope of work.
4. Emergency repairs including but not limited to, water line break in parking facilities, natural disaster repairs, etc.

5.106.5.4.1 Existing buildings or parking areas without previously installed EV capable infrastructure [A]. When EV capable infrastructure does not exist at an existing parking facility or building, and the parking facility or building undergoes an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with Section 5.106.5.3 for the total number of actual parking spaces being added or altered.

5.106.5.4.2 Existing buildings or parking areas with previously installed EV capable infrastructure [A]. When EV capable infrastructure is available at an existing parking facility or building, and the parking facility or building is undergoing an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with Section 5.106.5.3 utilizing the existing EV capable allocated power and infrastructure for the total number of actual parking spaces being added or altered. If the area being added or altered exceeds the existing EV capable capacity, allocated power and infrastructure, provide additional EV charging as needed to comply with this section.

Section 5.106.5.5, previously numbered as Section 5.106.5.4 Electric vehicle (EV) charging: medium-duty and heavy-duty, is amended to read as follows:

5.106.5.5 Electric vehicle (EV) charging: medium-duty and heavy-duty. [N] [BSC-CG] Construction shall comply with Section 5.106.5.5.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores, retail stores, office buildings, and manufacturing facilities with planned off-street loading spaces shall also comply with Section 5.106.5.5.1 for future installation of medium- and heavy-duty EVSE.

Exceptions:

1. On a case-by-case basis where the local enforcing agency 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 substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

When EVSE(s) is/are installed, it shall be in accordance with the *California Building Code*, the *California Electrical Code* and as follows:

5.106.5.5.1 Electric vehicle charging readiness requirements for warehouses, grocery stores and retail stores, office buildings, and manufacturing facilities 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 5.106.5.5.1 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 5.106.5.5.1.
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 ZEVs as shown in Table 5.106.5.5.1.

**TABLE 5.106.5.5.1, 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
Manufacturing Facilities	10,000 to 50,000	1 or 2	200

	10,000 to 50,000	3 or Greater	400
	Greater than 50,000	1 or Greater	400
Office Buildings	10,000 to 135,000	1 or 2	200
	10,000 to 135,000	3 or Greater	400
	Greater than 135,000	1 or Greater	400

Appendix A5 Nonresidential Voluntary Measures, Section A5.106.5.3 Electric vehicle (EV) charging is adopted as mandatory and amended to read as follows:

A5.106.5.3 Electric vehicle (EV) charging. Construction shall comply with Section A5.106.5.3.1 Tier 1, and in accordance with regulations in the *California Building Code* and the *California Electrical Code*.

A5.106.5.3.1 Tier 1. Comply with Section 5.106.5.3.1 EV capable spaces, Section 5.106.5.3.2 Electric vehicle charging stations and associated Table A5.106.5.3.1 Tier 1, or comply with Section A5.106.5.3.2 Electric vehicle charging stations (EVCS)-Power allocation method and associated Table A5.106.5.3.2 Tier 1.

Refer to Section 5.106.5.3.2 for the permitted use of Level 2 or Direct Current Fast Charger (DCFC) to create EVCS. Refer to Section 5.106.3.2.1 for the allowed use of DCFC to comply with both EV capable spaces and Level 2 EVSE. Refer to Section 5.106.5.3.3 for the allowed use of Automatic Load Management System (ALMS).

TABLE A5.106.5.3.1 Tier 1

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 1 NUMBER OF REQUIRED EV CAPABLE SPACES	TIER 1 NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)^{2,3}
0-9	2	0
10-25	5	2
26-50	11	4
51-75	19	6
76-100	26	9
101-150	38	13
151-200	53	18

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 1 NUMBER OF REQUIRED EV CAPABLE SPACES	TIER 1 NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)^{2,3}
201 and over	30 percent of actual total parking spaces ¹	33 percent of EV capable spaces ¹

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.
3. At least one Level 2 EVSE shall be provided.

Appendix A5 Nonresidential Voluntary Measures, Section A5.106.5.3.2 is deleted in its entirety and replaced with mandatory requirements to read as follows:

A5.106.5.3.2 Electric vehicle charging stations (EVCS)-Power allocation method.

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 A5.106.5.3.1 Tier 1. Use Table A5.106.5.3.2 Tier 1 to determine the total power in kVA required based on the total number of actual parking spaces.

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 A5.106.5.3.2 Tier 1

TOTAL NUMBER OF ACTUAL PARKING SPACES	MINIMUM TOTAL kVA @ 6.6 kVA	TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE^{3,4}, LOW POWER LEVEL 2 LEVEL 2^{1,2}, OR DCFC
0-9	13.2	13.2
10-25	33	33
26-50	72.6	72.6
51-75	125.4	125.4
76-100	171.6	171.6
101-150	250.8	250.8
151-200	349.8	349.8

TOTAL NUMBER OF ACTUAL PARKING SPACES	MINIMUM TOTAL kVA @ 6.6 kVA	TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE ^{3,4} , LOW POWER LEVEL 2 LEVEL 2 ^{1,2} , OR DCFC
201 and over	30 percent of actual parking spaces x 6.6	Total required kVA =P x .30 x 6.6 Where P=Parking spaces in facility

1. Level 2 EVSE @ 6.6 kVA minimum.
2. At least one Level 2 EVSE shall be provided.
3. Maximum allowed kVA to be utilized for EV capable spaces is 67 percent.
4. If EV capable spaces are utilized they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.

Appendix A5 Nonresidential Voluntary Measures, Section A5.601, Table A5.601 is amended as follows:

The Tier 1 cell for Electric Vehicle Charging is amended to read as follows: Meet provisions of Section A5.106.5.3.

SECTION 4. Environmental Compliance

This ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) on the grounds that these standards are more stringent than the State green building standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment. This ordinance is also exempt under Section 15145 on the grounds that no physical changes to the environment will result from adoption of the proposed code amendments alone and that evaluation of future project-level impacts would be too speculative to include in this analysis. Future developments allowed by the code amendments would be subject to individual review and to project-specific use, development, and design standards on a project specific basis, including project-level CEQA analysis if applicable. This ordinance is also exempt under Section 15183 on the grounds that the proposed code amendment is intended to maintain the potential intensity of development that may otherwise be permitted in the underlying zoning districts where developments subject to the code amendment may occur. Thus, the proposed code amendments maintain the current potential for environmental impacts as analyzed in the Cotati General Plan Environmental Impact Report (EIR) (SCH# 2013-08-2037), certified in March 2015. This ordinance is also exempt under Section 15268 on the grounds that pursuant to Government Code Section 65850.7(b), cities shall administratively approve electric vehicle charging stations through a nondiscretionary building permit. In accordance with Section 15268, ministerial projects, such as issuance of a building permit, are exempt from CEQA. This ordinance is also exempt under Sections 15307 and 15308

on the grounds that: a) the City, as regulatory agency, is authorized to amend the Green Building Standards Code; b) this ordinance assures the maintenance and protection of the environment by amending the Green Building Standards Code to impose more stringent EV charging requirements for future buildings and certain additions and alterations; and c) the ordinance will institute regulatory requirements intended to protect the environment and natural resources by requiring installation of more EV charging infrastructure, which will reduce the amount of fossil fuels burned, thereby reducing the amount of GHG emissions. This action is also exempt from CEQA because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to Section 15378.

SECTION 5. Severability

If any word, phrase sentence part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this ordinance and each section, subsection sentence, clause and phrase of this ordinance, irrespective of the fact that any one or more sections, subsection, sentences, clauses or phrases is declared invalid or unconstitutional.

SECTION 6. Violations

Violation of the requirements of this Chapter shall be considered a violation of the Cotati Municipal Code, and shall be subject to enforcement in accordance with the provisions of Chapter 14.11.010 Penalties and violations of the Cotati Municipal Code.

SECTION 7. Effective Date

This ordinance shall take effect thirty (30) days after its adoption pursuant to California Government Code, or upon the date that the ordinance is filed with the California Building Standards Commission, whichever is later.

SECTION 8. Publication

The City Clerk shall cause this ordinance to be published and/or posted as required in Section 36933 of the California Government Code.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the Cotati City Council held on June 13th, 2023, by the following vote, to wit:

RESULT: **INTRODUCED [UNANIMOUS]**
MOVER: Ben Ford, Councilmember
SECONDER: Kay Rivers, Councilmember
AYES: Harvey, Sparks, Ford, Lemus, Rivers

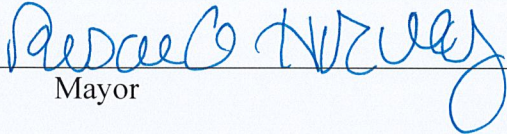
IT IS HEREBY CERTIFIED that the foregoing ordinance was duly adopted at a regular meeting of the City Council of the City of Cotati held on June 27th, 2023, by the following vote, to wit:


RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Ben Ford, Councilmember

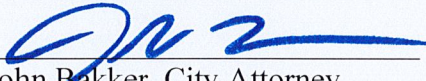
SECONDER: Laura Sparks, Vice Mayor

AYES: Harvey, Sparks, Ford, Lemus, Rivers

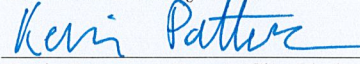
Approved: 
Mayor

Attest: 
Kevin Patterson, Deputy City Clerk

Approved as to form:


John Bakker, City Attorney

This document is a true and correct copy of Ordinance Number 919 and has been published or posted pursuant to law. *California Government Code § 40806*


Kevin Patterson, Deputy City Clerk

