ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING SECTIONS 6.6 AND 6.7 OF CHAPTER 6 OF THE GILROY MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH AMENDMENTS

WHEREAS, the California Building Standards Commission has adopted and published an updated Title 24 of the California Code of Regulations, also referred to as the 2022 California Building Standards Code, that will become effective statewide on January 1, 2023; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Gilroy has reviewed and intends to adopt the 2022 California Green Building Standards Code; and

WHEREAS, the City Council wishes to amend portions of the California Green Building Standards Code to better address local conditions and makes express findings that such amendments are reasonably necessary because of local climatic, geological or topographical conditions as set forth in this Ordinance.

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

SECTION I

The City Council has duly considered the full record before it, which may include but is not limited to the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
SECTION II

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant effect on the environment because the changes made to the California Building Standards Code within are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, storms, floods, high winds and fire, and therefore is exempt from CEQA. Therefore, it can be seen with certainty that there is no possibility that the Ordinance in question may have a significant effect on the environment; accordingly, the Ordinance is categorically exempt from CEQA.

SECTION III

To adopt the code by reference for the City of Gilroy, Section 6.6 of Chapter 6 of the Gilroy Municipal Code is hereby amended by adding the following after 6.6-2(j):

(k) The 2022 California Green Building Standards Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 11 of Title 24 of the California Code of Regulations, also known as the CALGreen Code, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A4, A5, and A6.1. Amendments, if any, are set forth in Section 6.7(k). The 2022 California Green Building Standards Code shall be designated and referred to as the “Green Building Standards Code” for the City of Gilroy. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

SECTION IV

Pursuant to California Health and Safety Code Sections 17958. 7 and 18941.5, the City Council hereby finds that the amendments are reasonably necessary due to local climatic conditions as set forth below.

The effects of climate change caused by Greenhouse Gas (GHG) emissions are increasingly self-evident and costly. Higher temperatures contribute to record heat waves and droughts, rising sea levels, more intense storms, wildfires, and floods.

Climate change is the fundamental design problem of our time. The threat of climate change is existential, and buildings and transportation are significant contributors.

Amending the below-referenced code sections is necessary to combat the ever-increasing harmful effects of climate change. Implementing the proposed reach code amendments will provide an
accelerated path to reduce Greenhouse Gas (GHG) emissions and carbonization to stem the tide of GHG emissions and the effects of global warming and climate change.

**SECTION V**

To amend the code, Section 6.7 of Chapter 6 of the Gilroy Municipal Code is hereby amended by adding the following after 6.7(j):

(k) **Amendments to the Green Building Standards Code**

(1) Add to Section 2 Definitions as follows:

**AFFORDABLE HOUSING.** Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

**LOAD MANAGEMENT SYSTEM (ALMS).** A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall 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.

**DIRECT CURRENT FAST CHARGING (DCFC).** A parking space provided with electrical infrastructure that meets the following conditions:

i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.

ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

**ELECTRIC VEHICLE CHARGING STATION (EVCS).** 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.

**LEVEL 2 EV CAPABLE.** A parking space provided with electrical infrastructure that meets the following requirements:

i. 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.

ii. The conduit shall be designed to accommodate 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.

iii. 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.”

iv. 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.

v. The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

LEVEL 1 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

i. A minimum of 2.2 kVA (110/120 volt, 20-ampere) capacity wiring.

ii. 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.

iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

i. A minimum of 8.3 kVA (208/240 volt, 40-ampere) capacity wiring.

ii. 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.

LOW POWER LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.

ii. 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.

iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

(2) Amend Section 301.1.1 to read as follows:

301.1.1 Additions and alterations.
[HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building’s conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration. (No change to existing California amendment.)

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

(3) Amend Section 4.106.4 to read as follows:

4.106.4 Electric vehicle (EV) charging. Residential construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 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. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

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

   1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.

   1.2. 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 4.106.4, may increase construction cost by an average of $4,500 per parking space for market rate housing or $400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

2. 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.
3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date shall provide, based on the total number of parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.

(4) Amend Section 4.106.4.1 title to read as follows:

4.106.4.1 One- and two-family dwellings and townhouses with private garages.

(5) Amend Section 4.106.4.1.1 to read as follows:

4.106.4.1.1 New Construction. One parking space provided shall be a Level 2 EV Ready space.

(6) Add Section 4.106.4.1.2 as follows:

4.106.4.1.2 Existing Building. Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.

(7) Amend Section 4.106.4.2 to read as follows:

4.106.4.2 Multifamily dwellings, with new residential parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

(8) Amend Section 4.106.4.2.1 to read as follows:

4.106.4.2.1 New Construction. Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.

(9) Amend Section 4.106.4.2.2 to read as follows:

4.106.4.2.2 Existing Buildings.

1. When 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 percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVA (110/120 volt, 20-ampere).

(10) Delete Section 4.106.4.2.2.1.3 Accessible EV spaces.

(11) Delete Section 4.106.4.2.3 EV space requirements.

(12) Delete Section 4.106.4.2.4 Identification.

(13) Delete Section 4.106.4.2.5 Electrical vehicle ready space signage.

(14) Amend Section 4.106.4.3 to read as follows:

4.106.4.3 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2, shall comply with Section 4.106.4.3

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.

(15) Add Section 4.106.4.3.1 to read as follows:

4.106.4.3.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging 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 charging 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 4.106.4.3.1 and Section 4.106.4.3.2, Item 3.

(16) Add Section 4.106.4.3.2 to read as follows:
4.106.4.3.2 **Dimensions.**

The charging 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 charging 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 City’s Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

(17) Add Section 4.106.4.4 to read as follows:

**4.106.4.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

(18) Amend Section 5.106.5.3 to read as follows:

**5.106.5.3 Electric vehicle (EV) charging.**

Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

**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 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.

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

(19) Amend Section 5.106.5.3.1 to read as follows:

5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared PARKING Space.

5.106.5.3.1.1 New Construction. Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.1.2 Existing Buildings. When 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 percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

(20) Delete Table 5.106.5.3.1.

(21) Amend Section 5.106.5.3.2 to read as follows:

5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.

5.106.5.3.2.1 New Construction. Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

(22) Amend Section 5.106.5.3.3 to read as follows:

5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.
5.106.5.3.1 New Construction. Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.2 Existing Buildings. When 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 percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

(23) Amend Section 5.106.5.3.4 to read as follows:

5.106.5.3.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

(24) Amend Section 5.106.5.4 to read as follows:

5.106.5.4 Electric vehicle charging readiness: medium-duty and heavy-duty. [N]

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

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 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.

(25) Amend Section 5.106.5.4.1 title to read as follows:

5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces.

(26) Adopt the following Appendix:

Appendix A4 – Residential Voluntary Measures
Appendix A5 – Nonresidential Voluntary Measures
Appendix A6.1 – Voluntary Standards for Health Facilities

(27) Amend Section A4.106.9.2 to read as follows:

A4.106.9.2 Long-term bicycle parking for multifamily buildings. Provide on-site bicycle parking for at least one bicycle per every one dwelling unit. Acceptable parking facilities shall be conveniently reached from the street and may include, but not be limited to:
1. Covered, lockable enclosures with permanently anchored racks for bicycles.
2. Lockable bicycle rooms with permanently anchored racks.
3. Lockable, permanently anchored bicycle lockers.

(28) Amend Section A4.106.9.3 to read as follows:

A4.106.9.3 Long-term bicycle parking for hotel and motel buildings. Provide one on-site bicycle parking space for every 25 rooms (for employees and guests). Acceptable parking facilities shall be conveniently reached from the street and may include, but not be limited to:
1. Covered, lockable enclosures with permanently anchored racks for bicycles.
2. Lockable bicycle rooms with permanently anchored racks.
3. Lockable, permanently anchored bicycle lockers.

SECTION VI

Upon adoption of each new California Building Standards Code, the Ordinance adopting the previously adopted California Building Standards Code is superseded in its entirety. This Ordinance does not repeal the 2022 Ordinance that adopts by reference and amends parts of the 2022 California Building Standards Code, nor the 2022 Ordinance that adopts by reference and amends the 2022 California Fire Code.
SECTION VII

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part shall not affect the validity of the remainder.

SECTION VIII

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its final adoption by the City Council, but no sooner than January 1, 2023.

PASSED AND ADOPTED this 21st day of November 2022 by the following roll call vote:

ARYES: COUNCIL MEMBERS: ARMENDARIZ, BRACCO, LEROE-MUÑOZ, MARQUES, TOVAR, BLANKLEY

NOES: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: HILTON

APPROVED:

[Signature]

Marie Blankley, Mayor

THAI NAM PHAM, CITY CLERK

Marie Blankley (Nov 22, 2022 11:18 PST)
CERTIFICATE OF THE CLERK

I, THAI NAM PHAM, City Clerk of the City of Gilroy, do hereby certify that the attached

Ordinance No. 2022-11 is an original ordinance, or true and correct copy of a city Ordinance,

duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council

held Monday, November 21, 2022, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of

the City of Gilroy this Monday, November 21, 2022.

Thai Nam Pham, CMC, CPMC
City Clerk of the City of Gilroy

(Seal)