

component of the intended building use, such as a barbeque-themed restaurant, pizza oven, etc. and the use could not reasonably be accommodated by electric building systems or appliances.

~~c. The applicant may submit a written request for a financial hardship exception, subject to Building Official approval. In such cases, it shall be demonstrated that the costs, including short and long term operating costs, would be more expensive under the ordinance provisions.~~

SECTION 7: Chapter 15.84 “Electric Vehicle Infrastructure” is added to read as follows:

Chapter 15.84 – Electric Vehicle Infrastructure

15.84.010 - Title.

This chapter shall be known as the City of Brisbane Electric Vehicle Infrastructure Ordinance.

15.84.020 - Authority.

The building official or the building official’s designee shall have the authority to enforce the provisions of this chapter.

15.84.030 - Purpose.

The purpose of this chapter is to provide for electric vehicle charging infrastructure as part of new development projects.

15.84.040 - Application.

This chapter applies to the permitting of all new residential and new non-residential development projects.

15.84.050 – Coordination with state codes

This chapter does not replace the most recent edition of the California Building Code, Title 24, as adopted by the City in Chapter 15.04 of this Code. This chapter 15.84 amends the state code, to place additional requirements on new residential and nonresidential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted state code provisions, then the most energy conserving provisions shall supersede and control.

15.84.060 - Definitions:

For the purposes of this chapter, the following definitions shall apply:

- A. EV Capable Parking Space:** “EV Capable Parking Space” means a parking space linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to

the parking space. The following shall be addressed in designating an EV Capable Parking Space:

- a. Where, following construction, a parking space would not otherwise be readily linked (or accessible) to the electrical panel, raceways linking the electrical panel and the parking space shall be required in order to be considered EV capable. Determination of linked or accessibility shall be at the discretion of the Building Official.
- b. Inaccessibility (not considered EV Capable) generally includes such cases as, where underground trenching would be required or where penetrations to walls, floors, or other partitions would be required for future installation of branch circuits.
- c. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.”
- d. Raceways shall be at least 1” in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

B. Level 1 EV Ready Circuit Parking Space: “Level 1 EV Ready Circuit Parking Space” means a parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device. The following shall be addressed in designating a Level 1 EV Ready Circuit Parking Space:

1. Raceways shall be a minimum 1” diameter and may be sized for multiple circuits as allowed by the California Electrical Code.
2. Wiring shall be included and either
 - i. A receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or
 - ii. Electric vehicle supply equipment (EVSE).

C. Level 2 EV Ready Circuit Parking Space: “Level 2 EV Ready Circuit Parking Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device. The following shall be addressed in designating a Level 2 EV Ready Circuit Parking Space:

1. It is to be a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code.
2. Wiring shall be included and either:
 - i. A receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or
 - ii. Electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

D. Electric Vehicle Charging Station (EVCS): “Electric Vehicle Charging Station (EVCS)” means a parking space that includes installation of electric vehicle supply equipment (EVSE)

with a minimum output of 30 amperes connected to a Level 2 EV Ready Circuit. EVCS installation may be used to satisfy a Level 2 EV Ready Circuit requirement.

- E. New Development or New Construction:** “New development or new construction” means construction or reconstruction of a principal structure on a site, to which the parking standards provided in Chapter 17.34 would be applied. Based on the Building Official’s determination, it may include buildings that have been substantially demolished and reconstructed consistent with Chapter 17.38 – Nonconforming Uses and Structures.
- F. Parking Space:** “Parking Space” means an area designed and marked for parking an automobile and recognized by the Building Official towards meeting the minimum parking standards for a site as set forth in Chapter 17.34.

15.84.070 Residential Requirements

New residential construction shall comply with the following provisions:

B. New single family residences, duplexes and townhouses.

3. EV Standards:

- a. For each dwelling unit, where two or more parking spaces are required, at least one Level 2 EV Ready Circuit and one Level 1 EV Ready Circuit is to be installed.
- b. Where only one parking space is required per unit, per Chapter 17.34, only one Level 2 EV Ready Circuit shall be required.

4. Exceptions: The following exceptions apply, subject to Building Official approval:

~~d.c.~~ A reduction in the EV standards may be allowed, if requested in writing by the applicant based on demonstration that the provisions of this section would render the development project infeasible due to associated utility costs. Documentation is to take into account short term and long term cost analysis to the satisfaction of the Building Official.

C. New multifamily dwellings. The following provisions apply to multifamily developments whether parking spaces are assigned or unassigned to individual units:

1. EV Standards:

- a. A minimum of one Level 2 EV Ready Circuit Parking Space per unit shall be provided.
- b. A minimum of 50 percent of required guest spaces shall be Electric Vehicle Charging Station (EVCS) Parking Spaces

2. Exceptions: The following exceptions apply, subject to Building Official approval:

- a. Where less than one parking space per unit is required per Chapter 17.34, the provision of Level 2 EV Ready Circuit Parking Space shall apply only to the

parking required per Chapter 17.34. This section does not alter the required minimum number of parking spaces as provided in Chapter 17.34.

- b. When more than 20 multifamily dwelling units are constructed on a building site, load balancing systems may be installed. In such cases, the panel capacity must average a minimum of 16 amperes per EV space. Load balancing systems may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum required.
- c. A reduction in the EV standards may be allowed, if requested in writing by the applicant based on demonstration that the provisions of this section would render the development project infeasible due to associated utility costs. However, the maximum feasible amount of EV infrastructure shall be provided. Documentation is to take into account short term and long term cost analysis to the satisfaction of the Building Official.

15.84.080 Non-Residential Requirements

New nonresidential construction shall comply with the following provisions:

- A. Building Uses with Lower Parking Turnover Rates:** For buildings designed for primarily low parking turnover uses, such as Administrative Office, R&D, Industrial, Hotels and School Uses, the following provisions apply to construction of new buildings, as determined by the Building Official. These building uses typically have longer average parking durations as compared to those included in Section 17.84.080.B.

3. EV Standards:

- a. A total of 50% of the parking spaces required per Chapter 17.34 shall be EV, as follows:
 - i. When 10 or more parking spaces are required to be constructed, 15% of the required parking spaces on site shall be equipped with Level 2 EVCS;
 - ii. An additional 10% shall be provided with at least Level 2 EV Ready Circuits; and
 - iii. An additional 25% shall be at least Level 1 EV Capable.
- a. Rounding: Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 1 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number

4. Exceptions: The following exceptions apply, subject to Building Official approval:

- a. A reduction in the EV standards may be allowed, if requested in writing by the applicant based on demonstration that the provisions of this section would render the development project infeasible due to associated utility costs. However, the maximum feasible amount of EV infrastructure shall be provided. Documentation is to take into account short term and long term cost analysis to the satisfaction of the Building Official.
- b. The Building Official may apply EV Space Standards provided in Section 15.84.080.B to uses listed in this section where the applicant has adequately demonstrated that the specific use applied for fits with the Higher Parking Turnover Rates.

B. Building Uses with Higher Parking Turnover Rates: The following provisions apply to construction of new buildings designed for the primary uses of restaurant, retail, meeting halls, gyms, commercial recreation, professional office and similar, as determined by the Building Official. These building uses typically have shorter average parking durations as compared to those included in Section 17.84.080.A.

1. EV Standards:

- b. A total of 25% of the parking spaces required per Chapter 17.34 shall be EV, as follows:
 - i. When 10 or more parking spaces are required to be constructed, 15% of the required parking spaces on site shall be equipped with Level 2 EVCS;
 - ii. An additional 10% shall be at least Level 1 EV Ready.
- a. Rounding: Calculations for the required minimum number of spaces equipped with Level 2 EVCS and Level 1 EV Ready spaces shall be rounded up to the nearest whole number.

2. Exceptions: The following exceptions apply, subject to Building Official approval:

- a. A reduction in the EV standards may be allowed, if requested in writing by the applicant based on demonstration that the provisions of this section would render the development project infeasible due to associated utility costs. However, the maximum feasible amount of EV infrastructure shall be provided. Documentation is to take into account short term and long term cost analysis to the satisfaction of the Building Official.
- b. Installation of each Direct Current Fast Charger with the capacity to provide at least 80 kW output may substitute for 6 Level 2 EVCS and 5 EV Ready spaces after a minimum of 6 Level 2 EVCS and 5 Level 1 EV Ready spaces are installed.

SECTION 8: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 9: This Ordinance shall be in full force and effect on January 1, 2020 after its passage and adoption, except that the provisions of Section 7 pertaining to Building Electrification shall be in effect following approval by the California Energy Commission.

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