

ORDINANCE NO. 1449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY AMENDING  
CHAPTER 15.22 GREEN BUILDING STANDARDS CODE OF TITLE 15 OF THE DALY  
CITY MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA  
GREEN BUILDING STANDARDS CODE FOR ELECTRIC VEHICLE (EV)  
INFRASTRUCTURE

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WHEREAS, the City of Daly City has seen significant sales of both electric vehicles (EV) and plug-in hybrid vehicles (PHEV); and

WHEREAS the interest in EVs has grown alongside greater EV model availability, increased vehicle range, and expanded EV charging infrastructure in the region; and

WHEREAS, EV charging infrastructure available at locations they frequent, including one-and-two family dwellings, multi-family residences, and commercial properties is important for continued adoption of EVs; and

WHEREAS, the installation of the electric vehicle supply equipment (EVSE) is made cost effective when the infrastructure is installed during the initial construction phase as opposed to retrofitting existing buildings to accommodate the new electrical equipment; and

WHEREAS, the City of Daly City supports this nascent industry for plug-in electric vehicles and its efforts in constructing EV charging infrastructure as this further supports the City's sustainability goals; and

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards with modifications determined to be reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, the City of Daly City has adopted the 2019 California Building Standards Code with amendments; and

WHEREAS, the City has adopted the 2019 California Green Building Standards Code in the 2019 California Building Standards Code, Title 24, Part 11, which enhances the design and construction of building through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices; and

WHEREAS, the City Council wishes to amend portions of the California Green Building Standards Code and affirms the modifications are determined to be reasonably necessary because of local climatic, geographical or topographical conditions, ensure that new buildings can charge a greater number of electric vehicles beyond state code requirements and reduce Green House Gas emissions; and

NOW, THEREFORE, the City Council of the City of Daly City DOES ORDAIN as follows:

**SECTION 1:** Section 15.22.060 of Title 15 of the Daly City Municipal Code is hereby added to read as follows:

**Section 15.22.060 Electric Vehicle Charging Infrastructure.**

**For purposes to this chapter, certain words and phrases used herein are defined 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.

**Automatic Load Management Systems (ALMS):** A control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver a minimum of 8-amperes and not less than 1.4-kiloWatts at the provided voltage, 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 on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

**Electric Vehicle Charging Station (EVCS):** A charging space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

**EV Capable:** 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. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1” in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

**Level 1 EV Ready Space:** 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, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, and wiring.

**Level 2 EV Ready Space:** A parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, and wiring.

**Section 4.106.4, 4.106.4.1. and 4.106.4.2 are amended to read as follows:**

**4.106.4 Electric vehicle (EV) charging for new construction.** New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 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.~~

**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. Where there is no commercial power supply
    - ~~1.1. Where there is evidence substantiating that meeting the requirements will alter the local utility infra-structure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than \$400.00 per dwelling unit.~~
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. 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 building projects that have been granted entitlements within one year or less before the effective date of this ordinance shall provide at least ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, with Level 2 EV Ready Circuits. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.
4. Local jurisdictions may consider allowing exceptions through their local process, on a case by case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces. If costs are found to exceed this level, the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.

**4.106.4.1 New one- and two-family dwellings and town- houses with attached private garages.**

For each dwelling unit, install a Level 2 EV Ready Space and Level 1 EV Ready Space.~~listed raceway to accommodate a dedicated 208/240-volt branch circuit. 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 minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

**Exception:** For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

**4.106.4.1.1 Identification.** ~~The service panel or sub-panel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “Level 2 EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”. “Level 2 EV-Ready”.~~

**4.106.4.2 New multifamily dwellings.** ~~If residential parking is available, ten (10) present in total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. The following requirements apply to all new multifamily dwellings.~~

1. For multifamily buildings with less than or equal to 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 EV Ready Space.
2. When more than 20 multifamily dwelling units are constructed on a building site:
  - a. Install one Level 2 EV Ready Space in the first 20 dwelling unit parking spaces.
  - b. For each additional dwelling unit over 20, 25% of the dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number.
  - c. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least a Level 1 EV Ready Space.

**Exception:** For all multifamily Affordable housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least a Level 1 EV Ready Space.

**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.~~

1. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.
2. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking not open to public parking.
3. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with Level 1 or Level 2 EV Ready Spaces.

**4.106.4.2.1.1 Electric vehicle charging stations (EVCS).** When EV chargers are installed, EV spaces required by Section 4.106.4.2.2, Item 3, shall comply with at least one of the following options:

1. The EV 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 EV 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 4.106.4.2.1.1. and Section 4.106.4.2.2, Item 3.

**Note:** Electric vehicle charging stations serving public housing are required to comply with the *California Building Code*, Chapter 11B.

#### **4.106.4.2.2 Electric vehicle charging space (EV space) dimensions**

The EV 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 EV 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 Daly City Municipal Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.2.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted. New construction shall continue to comply with 2019 California Building Code Section 11B-812 and Table 11B-228.3.2.1, as applicable.

**4.106.4.2.3 Automated Load Management Systems.** As defined in Section 2, ALMS shall be allowed to meet the requirements of 4.106.4.2.

~~**Single EV space required.** Install a listed raceway capable of accommodating a 208/240 volt dedicated branch circuit. 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 enclosure in close proximity to the proposed location of the EV spaces. Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install a 40 ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit over current protective device.~~

~~**4.106.4.2.4 Multiple EV spaces required.** Construction raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify 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 the full rated amperage of the EVSE. Plan design shall be based upon a 40 ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.~~

~~**4.106.4.2.5 Identification.** The service panel or sub-panel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.~~

Section 5.106.5.3 through 5.106.3.5 are amended to read as follows:

**5.106.5.3 Electric vehicle (EV) charging.** [N] New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be in accordance with the *California Building Code*, the *California Electrical Code* and as follows:

**Exceptions:**

1. Where there is no commercial power supply.
2. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
3. Nonresidential building projects with valid entitlements granted by the City that has not otherwise expired before the effective date of this ordinance shall provide at least six (6) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, with Level 2 EV Charging Stations. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number

**5.106.5.3.1 Office buildings:** In nonresidential new construction buildings designated primarily for office use with parking:

1. When 10 or more parking spaces are constructed, 10% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 10% shall be provided with at least Level 1 EV Ready Spaces; and
3. An additional 30% shall be at least EV Capable.

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.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1” and sufficient for installation of EVCS at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

**Notes:**

1. ALMS may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum requirements in this code. The option does not allow for installing less electrical panel capacity than would be required without ALMS.

**5.106.5.3.2 Other nonresidential buildings:** In nonresidential new construction buildings that are not designated primarily for office use, such as retail or institutional uses:

1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 5% shall be at least Level 1 EV Ready.

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

**Exception:** 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.

**5.106.5.3.3 Clean Air Vehicle Parking Designation.** EVCS qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

**Notes:**

1. The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and

specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. [www.dot.ca.gov/hq/traffops/policy/13-01.pdf](http://www.dot.ca.gov/hq/traffops/policy/13-01.pdf).

2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides helpful information for local governments, residents and businesses. [www.opr.ca.gov/docs/ZEV\\_Guidebook.pdf](http://www.opr.ca.gov/docs/ZEV_Guidebook.pdf).
4. Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
5. It is encouraged that shared parking, EV Ready are designated as "EV preferred."

**5.106.5.3.1 — Single charging space requirements.** ~~[N] When only a single charging space is required per Table 5.106.5.3.3, a raceway is required to be installed at the time of construction and shall be installed in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:~~

- ~~1. The type and location of the EVSE.~~
- ~~2. A listed raceway capable of accommodating a 208/240 volt dedicated branch circuit.~~
- ~~3. The raceway shall not be less than trade size 1."~~
- ~~4. The raceway shall originate at a service panel or a subpanel serving the area, and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.~~
- ~~5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40 ampere dedicated branch circuit for the future installation of the EVSE.~~

**5.106.5.3.2 — Multiple charging space requirements.**

~~When multiple charging spaces are required per Table 5.106.5.3.3 raceway(s) is/are required to be installed at the time of construction and shall be installed in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:~~

- ~~1. The type and location of the EVSE.~~
- ~~2. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s) or equivalent.~~
- ~~3. Plan design shall be based upon 40 ampere minimum branch circuits.~~
- ~~4. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution~~
- ~~5. transformers and have sufficient capacity to simultaneously charge all required EVs at its full rated amperage.~~
- ~~6. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.~~



~~5.106.5.3.3 EV charging space calculation. [N] Table 5.106.5.3.3 shall be used to determine if single or multiple charging space requirements apply for the future installation of EVSE.~~

~~Exceptions: On a case by case basis where the local enforcing agency has determined EV charging and infrastructure is not feasible based upon one or more of the following conditions:~~

- ~~1. Where there is insufficient electrical supply~~
- ~~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 5.106.5.3, may adversely impact the construction cost of the project.~~

~~TABLE 5.106.5.3.3~~

<del>TOTAL NUMBER OF ACTUAL PARKING SPACES</del>	<del>NUMBER OF REQUIRED EV CHARGING SPACES</del>
<del>0-9</del>	<del>0</del>
<del>10-25</del>	<del>1</del>
<del>26-50</del>	<del>2</del>
<del>51-75</del>	<del>4</del>
<del>76-100</del>	<del>5</del>
<del>101-150</del>	<del>7</del>
<del>151-200</del>	<del>10</del>
<del>201 and over</del>	<del>6 percent of total<sup>1</sup></del>

~~1. Calculation for spaces shall be rounded up to the nearest whole number.~~

~~5.106.5.3.4 [N] Identification. The service panel or subpanel(s) circuit directory shall identify the reserved overcurrent protective device space(s) for future EV charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE Ready”.~~

~~5.106.5.3.5 [N] Future charging spaces qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.~~

**SECTION 2: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 3: Environmental Determination.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical

change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

**SECTION 4: Publication/Summary; Effective Date.** Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

Introduced this 27<sup>th</sup> day of April, 2021.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES, Councilmembers: \_\_\_\_\_

NOES, Councilmembers: \_\_\_\_\_

Absent, Councilmembers: \_\_\_\_\_

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CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

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MAYOR OF THE CITY OF DALY CITY