

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PARTS 1 AND 2 OF CHAPTER 24.10 OF TITLE 24 (TECHNICAL CODES) OF THE SAN JOSE MUNICIPAL CODE AS A REACH CODE TO AMEND REQUIREMENTS RELATED TO ELECTRIC VEHICLE CHARGING STATIONS IN NEW MULTIFAMILY DEVELOPMENTS**

**WHEREAS**, pursuant to Sections 17922, 17958, 17958.5, 17958.7 and 18941.5 of the California Health and Safety Code, the City of San José (“City”) may adopt the provisions of the Green Building Standards Code and Building Efficiency Energy Standards with certain amendments to those provisions which are reasonably necessary to protect the health, welfare and safety of the citizens of San José because of local climatic, geological and topographical conditions; and

**WHEREAS**, the City Council hereby makes the following findings with respect to local geological, topographical and climatic conditions relating to the amendments to the California Codes for which such findings are required:

- A. The San Francisco Bay area region is densely populated and located in an area of high seismic activity. The City is bounded by the Hayward and San Andreas faults capable of producing major earthquakes; and
- B. Gas appliances and associated piping located in the ground and in buildings increase the risk of explosion or fire if there is a structural failure due to a seismic event especially consider the City’s number of older buildings and increasing density; and

- C. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department, resulting in challenges in meeting the fire and life safety needs of the community; and
- D. Solar infrastructure on buildings reduces the need for pipelines and electrical transmission lines; and
- E. The local geographic, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential fires in the City, and may cause a delayed response from emergency responders, allowing further growth of fires; and
- F. Over the next century, increasing levels of atmospheric greenhouse gases are expected to result in global temperature increases, causing a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended periods of drought. Local geographic, topographic, and climatic conditions include increased risk of the following:
  - 1. Fires: In addition to the increased risk as a result of earthquakes, the City is surrounded by hills both within City limits or adjacent to them. The dry brush and steep terrain are particularly susceptible to wildfires. The City, through its Fire Department, has designated approximately 54.5 square miles of the City's 180 square miles of incorporated area as Wildland Urban Interface ("WUI"). These areas in the southwestern and southeastern areas of the City known as the Almaden Valley and East Foothills have heightened construction and regulatory standards to mitigate the spread of wildfires. In addition, wildfires located outside of the

area in 2018 created a blanket of toxic smoke over the City, causing the worst air quality on record by the Bay Area Air Quality Management District for two (2) consecutive weeks; and

2. Landslides: Extreme storms as a result of climate change increase the chance of rainfall-induced landslide; fire and drought may kill vegetation in the City's WUI, increasing runoff and potential for landslide; and
3. Drought: Prolonged periods of drought as a result of climate change may deplete reservoirs and the groundwater basin serving San Jose, as of 2021, Governor Newsom has included Santa Clara County in a statewide emergency declaration specifically for drought conditions, and local agencies, including the Santa Clara Valley Water District, Santa Clara County, and City of San Jose issued emergency proclamations regarding drought conditions; and
4. Flooding: Extreme weather conditions such as sudden, prolonged rainfall as result of climate change could result in a spillover from local dams, including the Anderson Dam, which can result in flooding of local creeks which run through San Jose, such as the Coyote Creek; as the City experienced in 2017, as well as flooding that was the result of atmospheric river conditions requiring monitoring of Ross Creek, the Guadalupe River, and Upper Penitencia Creek as the City experienced in January and February of 2023; and
5. Sea Level Rise: Sea level rise as a result of climate change will have a dramatic local impact on the City. The City's Alviso area borders the

southern end of the San Francisco Bay and is particularly vulnerable to sea level rise and is at an increased risk of flooding; and

6. Heat: Increased heat as a result of climate change can have a local impact on the health, safety, and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, and children; and
7. Increasing and encouraging the use of electric vehicles will help the City meet its goals under Climate Smart San Jose to reduce greenhouse gas emissions; and
  - a. Electric vehicles depend upon convenient access to charging; and
  - b. The most cost-effective time to prepare electrical infrastructure for electric vehicle charging is when the electric service is installed or upgraded for construction, and during site preparation for the construction of parking lots; and
- G. Failure to address and substantially reduce greenhouse gas emissions creates an increased risk to the health, safety and welfare of city residents. Council considers and adopts as findings the analysis contained in the staff report and prior reports to Council including those related to the declaration of a climate emergency and those for the September 17, 2019 City Council meeting; and
- H. Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic

conditions; and the Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist; and

- I. On September 23, 2022, Governor Newsom issued an executive order requiring the California Air Resources Board to adopt regulations to ban the sale of new models of gasoline-only vehicles; and
- J. On August 25, 2022, the California Air Resources Board mandated that the sale of light-duty trucks and passenger cars be limited to zero-emission vehicles by the 2035 model year; and
- K. Within the City, lack of access to vehicle charging stations disproportionately impacts disadvantaged communities; and
- L. The provisions of this Ordinance establishing certain more restrictive standards than the California Codes will better serve to prevent or minimize structural damage resulting from local conditions; and
- M. The provisions of this Ordinance are cost effective if legally required; and

**WHEREAS**, this Ordinance was found to be categorically exempt from environmental review, per the provisions of the California Environmental Quality Act (“CEQA”) of 1970, as amended, 14 California Code of Regulations Section 15308, and Title 21 of the San José Municipal Code, under File Number ER20-202; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed, considered and approves the Statement of Exemption, under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Part 1 of Chapter 24.10 of Title 24 of the San José Municipal Code is amended to read as follows:

**CHAPTER 24.10  
CALIFORNIA GREEN BUILDING STANDARDS CODE**

**PART 1  
ADOPTION OF CALGREEN PROVISIONS**

**24.10.100 Adoption of technical provisions of the California Green Building Standard Codes**

- A. Except as otherwise provided for in this chapter, the residential mandatory measures and nonresidential mandatory measures of the California Green Building Standards (CALGreen) 2022 edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

- B. One copy of the CALGreen Code has been filed for use and examination of the public in the office of the City Clerk of the City of San José.

#### **24.10.110 Definitions (Amending CALGreen §202)**

CALGreen Code Section 202 is amended to read as follows:

ACCESSORY DWELLING UNIT. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Accessory dwelling units shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. (See Government Code Section 65852.2.)

ACCESSORY OCCUPANCIES. Occupancies that are ancillary to the main occupancy of residential building(s) or portions thereof. Accessory occupancies shall include, but are not limited to, Group U occupancies. (See Section 312 of the *California Building Code*.)

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.

ADDITION. An extension or increase in floor area of an existing building or structure.

ADJUST. To regulate fluid flow rate and air patterns at the terminal equipment, such as to reduce fan speed or adjust a damper.

AGRIFIBER PRODUCTS. Agrifiber products include wheatboard, strawboard, panel substrates and door cores, not including furniture, fixtures and equipment (FF&E) not considered base building elements.

ALBEDO. Synonymous with solar reflectance, which is a ratio of the energy reflected back into the atmosphere to the energy absorbed by the surface, with 100 percent being total reflectance.

ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.

ARB (CARB). The California Air Resources Board.

AREA MEDIAN INCOME or AMI. ~~means~~ means The annual median income for Santa Clara County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the City of San José in the event that such median income figures are no longer published periodically in the California Code of Regulations.

ARTERIAL HIGHWAY. A general term denoting a highway primarily for through traffic usually on a continuous route.

ASSEMBLY (ASSEMBLY PRODUCT). An assembly (assembly product) includes or has been formulated using multiple materials.

AUTOMATIC. Automatic means capable of operating without human intervention.

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). [BSC-CG, DSA-SS and HCD] A system designed to manage load across one or more electric vehicle supply equipment



(EVSE) to share electrical capacity and/or automatically manage power at each connection point.

A-WEIGHTED SOUND LEVEL (dba). The sound pressure level in decibels as measured on a sound level meter using the internationally standardized A-weighting filter or as computed from sound spectral data to which A-weighting adjustments have been made.

BALANCE. To proportion flows within the distribution system, including submains, branches and terminals, according to design quantities.

BIORETENTION. A shallow depression that utilizes conditioned soil and vegetation for the storage, treatment or infiltration of storm water runoff.

BROWNFIELD SITE. Real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant, with certain legal exclusions and additions.

Note: See the full text at the EPA's website.

1 BTU/HOUR. British thermal units per hour, also referred to as Btu. The amount of heat required to raise one pound of water one degree Fahrenheit per hour, a common measure of heat transfer rate. A ton of refrigeration is 12,000 Btu, the amount of heat required to melt a ton (2,000 pounds) of ice at 32° Fahrenheit.

BUILDING COMMISSIONING. A systematic quality assurance process that spans the entire design and construction process, including verifying and documenting that building systems and components are planned, designed, installed, tested, operated and maintained to meet the owner's project requirements.

BUILDING ENVELOPE. The ensemble of exterior and demising partitions of a building that enclose conditioned space.

CALIFORNIA BUILDING CODE. The current version of the *California Building Code*.

CALIFORNIA ELECTRICAL CODE. The current version of the *California Electrical Code*.

CALIFORNIA ENERGY CODE. The current version of the *California Energy Code*, unless otherwise specified.

CALIFORNIA MECHANICAL CODE. The current version of the *California Mechanical Code*.

CALIFORNIA PLUMBING CODE. The current version of the *California Plumbing Code*.

CALIFORNIA RESIDENTIAL CODE. The current version of the *California Residential Code*.

CHLOROFLUOROCARBON (CFC). A class of compounds primarily used as refrigerants, consisting of only chlorine, fluorine and carbon.

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) HIGHWAY. A metric similar to the day-night average sound level (Ldn), except that a 5 decibel (dB) adjustment is added to the equivalent continuous sound exposure level for evening hours (7 p.m. to 10 p.m.) in addition to the 10 dB nighttime adjustment used in the Ldn.

COMPACT DISHWASHER. A dishwasher that has a capacity of less than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1.

COMPOSITE WOOD PRODUCTS. Composite wood products include hardwood plywood, particleboard and medium density fiberboard. “Composite wood products” does not include hardboard, structural plywood, structural panels, structural composite lumber, oriented strand board, glued laminated timber, prefabricated wood I-joists or finger-jointed lumber, all as specified in California Code of Regulations (CCR), Title 17, Section 93120.1(a).

Note: See CCR, Title 17, Section 93120.1.

CONDITIONED FLOOR AREA. The floor area (in square feet) of enclosed conditioned space on all floors of a building, as measured at the floor level of the exterior surfaces of exterior walls enclosing the conditioned space.

CONDITIONED SPACE. A space in a building that is either directly conditioned or indirectly conditioned.

CONDITIONED SPACE, DIRECTLY. An enclosed space that is provided with wood heating, is provided with mechanical heating that has a capacity exceeding 10 Btu/hr-ft<sup>2</sup>, or is provided with mechanical cooling that has a capacity exceeding 5 Btu/hr-ft<sup>2</sup>, unless the space-conditioning system is designed for a process space. (See Process Space.)

CONDITIONED SPACE, INDIRECTLY. Enclosed space, including but not limited to, unconditioned volume in atria, that (1) is not directly conditioned space; and (2) either (a) has a thermal transmittance area product (UA) to directly conditioned space exceeding that to the outdoors or to unconditioned space and does not have fixed vents or openings to the outdoors or to unconditioned space, or (b) is a space through which air from directly conditioned spaces is transferred at a rate exceeding three air changes per hour.

COOL PAVEMENT(S). Includes, but is not limited to, high albedo pavements and coatings, vegetative surfaces, porous or pervious pavements that allow water infiltration, and pavements shaded by trees and other sources of shade.

COOLING EQUIPMENT. Equipment used to provide mechanical cooling for a room or rooms in a building.

CUTOFF LUMINAIRES. Luminaires whose light distribution is such that the candela per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir, and 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

DAY-NIGHT AVERAGE SOUND LEVEL ( $L_{dn}$ ). The Aweighted equivalent continuous sound exposure level for a 24-hour period with a 10 dB adjustment added to sound levels occurring during nighttime hours (10 p.m. to 7 a.m.).

DECIBEL (dB). A measure on a logarithmic scale of the magnitude of a particular quantity (such as sound pressure, sound power, sound intensity) with respect to a reference quantity.

DEMAND HOT WATER RECIRCULATION SYSTEM. A hot water recirculation system requiring manual activation and equipped with a thermostat that will automatically shut off the recirculation pump when the water temperature reaches a preset level at the point of use.

DEVELOPMENT FOOTPRINT. The total area of the building footprint, hardscape, access roads and parking.

DEWATERING. Pumping of uncontaminated or treated groundwater for construction activities.

DIRECT-VENT APPLIANCE. A fuel-burning appliance with a sealed combustion system that draws all air for combustion from the outside atmosphere and discharges all flue gases to the outside atmosphere.

DISPOSAL. The management of solid waste through landfilling or transformation at permitted solid waste facilities.

DIVERSION. Activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this code.

ELECTRIC VEHICLE (EV). [BSC-CG, HCD] An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles. For purposes of the *California Electrical Code*, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not included.

ELECTRIC VEHICLE (EV) CAPABLE SPACE. [BSCCG, DSA-SS and HCD] A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

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

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). [HCD] A space intended for future installation of EV charging equipment and charging of electric vehicles.

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

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM. A system designed to allocate charging capacity among multiple electric vehicle supply equipment.

ELECTRIC VEHICLE (EV) READY SPACE. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). [BSC-CG, DSA-SS and 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.

EMBODIED ENERGY. The energy used for raw material extraction, transportation, manufacturing, assembly, installation and disposal during the life of a product, including the potential energy stored within the product.

ENERGY BUDGET. The sum of the annual TDV energy consumption for energy use components included in the performance compliance approach for the Standard Design Building, as established in the Alternative Calculation Method Reference Manual

approved by the Energy Commission and calculated by Compliance Software certified by the Energy Commission.

ENERGY COMMISSION. The California State Energy Resources Conservation and Development Commission.

ENERGY DESIGN RATING. The sum of the annual TDV energy consumption for energy use components included in the performance compliance approach for the Standard Design Building (Energy Budget) and the annual time dependent valuation (TDV) energy consumption for lighting and components not regulated by Title 24, Part 6 (such as domestic appliances and consumer electronics) and accounting for the annual TDV energy offset by an on-site renewable energy system. The Design Rating is calculated by Compliance Software certified by the Energy Commission.

ENERGY EQUIVALENT (NOISE) LEVEL ( $L_{eq}$ ). The level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

ENFORCING AGENCY. The designated department or agency as specified by statute or regulation.

EUTROPHICATION. The excessive growth of aquatic plants, especially algae, producing bacteria which consume nearly all of the oxygen required to sustain fauna and other flora.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR (ETAF). [DSA-SS] An adjustment factor when applied to reference evapotranspiration that adjusts for plant factors and irrigation efficiency, which are two major influences on the amount of water that needs to be applied to the landscape.

EXFILTRATION. The uncontrolled outward air leakage from inside a building, including leakage through cracks and interstices, around windows and doors, and through any other exterior partition or duct penetration.

EXPRESSWAY. An arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections.

FLOOR AREA RATIO. Gross square footage of all structures on a site divided by gross square footage of the site.

FOOTPRINT AREA. [DSA-SS] The total area of the furthest exterior wall of the structure projected to natural grade, not including exterior areas such as stairs, covered walkways, patios and decks.

FREEWAY. A divided arterial highway with full control of access and with grade separations at intersections.

FRENCH DRAIN. A trench, hole or other depressed area loosely filled with rock, gravel, fragments of brick or similar pervious material used to collect or channel drainage or runoff water.

GEOHERMAL. Renewable energy generated by deep-earth water or steam.

GLOBAL WARMING POTENTIAL (GWP). The radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time. Carbon dioxide is the reference compound with a GWP of one.



GLOBAL WARMING POTENTIAL VALUE (GWP VALUE). The 100-year GWP value published by the Inter-governmental Panel on Climate Change (IPCC) in either its Second Assessment Report (SAR) (IPCC, 1995); or its Fourth Assessment A-3 Report (AR4) (IPCC, 2007). The SAR GWP values are found in column “SAR (100-yr)” of Table 2.14.; the AR4 GWP values are found in column “100 yr” of Table 2.14.

GRAYWATER. Pursuant to *Health and Safety Code* Section 17922.12, “graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

Note: For the purpose of applying the standards contained in this code, “Graywater,” as defined above, has the same meaning as “gray water,” “grey water,” and “greywater.”

GREEN BUILDING. A holistic approach to design, construction and demolition that minimizes the building’s impact on the environment, the occupants and the community.

GREENFIELDS. Sites that are not previously developed or graded and remain in a natural state, able to support agriculture, open space or habitat.

Note: Previously developed sites are those that previously contained buildings, roadways or parking lots or were graded or altered by direct human activities.

GREYFIELD SITE. Any site previously developed with at least 50 percent of the surface area covered with impervious material.

HALON. Any of a class of chemical compounds derived from hydrocarbons by replacing one or more hydrogen atoms with bromine atoms, and other hydrogen atoms with other halogen atoms (chlorine, fluorine, iodine).

HAZARDOUS WASTE.

A. A waste, defined as a “hazardous waste” in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may do either of the following:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.

B. Unless expressly provided otherwise, “hazardous waste” includes extremely hazardous waste and acutely hazardous waste.

HEAT ISLAND EFFECT. “Heat island effect” and “urban heat islands” refer to measurable elevated temperatures in developed areas as compared to more rural surroundings. Temperatures in developed areas are affected by absorption of heat by hardscapes and radiation of heat into surrounding areas resulting in local climate changes. Heat islands are influenced by geographic location and by local weather patterns, with effects changing on a daily or seasonal basis.

HIGH-GWP REFRIGERANT. A compound used as a heat transfer fluid or gas that is: (A) a chlorofluorocarbon, a hydrochlorofluorocarbon, a hydrofluorocarbon, a perfluorocarbon,

or any compound or blend of compounds, with a GWP value equal to or greater than 150, or (B) any ozone depleting substance as defined in Title 40 of the Code of Federal Regulations, Part 82, §82.3 (as amended March 10, 2009).

HIGH-RISE RESIDENTIAL BUILDING. For the purposes of CALGreen, any building that is of Occupancy Group R and is four stories or greater in height.

HOT WATER RECIRCULATION SYSTEM. A hot water distribution system that reduces the time needed to deliver hot water to fixtures that are distant from the water heater, boiler or other water heating equipment. The recirculation system is comprised of hot water supply and return piping with shutoff valves, balancing valves, circulating pumps and a method of controlling the circulating system.

HOTEL OR MOTEL. (HCD-1) Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

HYDROCHLOROFLUOROCARBON (HCFC). A class of compounds primarily used as refrigerants or foam expansion agents, consisting of only hydrogen, chlorine, fluorine and carbon.

HYDROFLUOROCARBON (HFC). A class of compounds primarily used as refrigerants or foam expansion agents, consisting of only hydrogen, fluorine and carbon.

IESNA. Illuminating Engineering Society of North America.

INERT SOLIDS OR INERT WASTE. A non-liquid solid waste including, but not limited to, soil and concrete, that does not contain hazardous waste or soluble pollutants at concentrations in excess of water-quality objectives established by a regional water board

pursuant to Division 7 (commencing with Section 13000) of the California Water Code and does not contain significant quantities of decomposable solid waste.

INFILL SITE. A site in an urbanized area that meets criteria defined in Public Resources Code Section 21061.3.

INFILTRATION. An uncontrolled inward air leakage from outside a building or unconditioned space, including leakage through cracks and interstices, around windows and doors and through any other exterior or demising partition or pipe or duct penetration.

INTERIOR BUILDING. The inside of the weatherproofing system.

JUNIOR ACCESSORY DWELLING UNIT. [HCD] A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. (See Government Code Section 65852.22.)

KITCHEN. That portion in a residential dwelling unit that is a room or area used for cooking, food storage and preparation and washing dishes, including associated counter tops and cabinets, refrigerator, stove, ovens and floor area.

LANDSCAPE WATER METER. [HCD] An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

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.

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.

LIFE CYCLE ASSESSMENT (LCA). A technique to evaluate the relevant energy and material consumed and environmental impacts associated with the entire life of a product, process, activity or service, including a whole building.

LIFE CYCLE INVENTORY (LCI). A process of quantifying energy and raw material requirements, atmospheric emissions, waterborne emissions, solid wastes and other releases for the entire life cycle of a product, process or activity, including a whole building.

LONG RADIUS ELBOW. Pipe fitting installed between two lengths of pipe or tubing to allow a change of direction, with a radius 1.5 times the pipe diameter.

LOW-GWP REFRIGERANT. A compound used as a heat transfer fluid or gas that: (A) has a GWP value less than 150, and (B) is not an ozone depleting substance as defined in Title 40 of the Code of Federal Regulations, Part 82, §82.3 (as amended March 10, 2009).

LOW IMPACT DEVELOPMENT (LID). Control of stormwater at its source to mimic drainage services provided by an undisturbed site.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. [HCD] A 208/240-volt 20-ampere minimum branch circuit and a receptacle.

LOW-RISE RESIDENTIAL BUILDING. For the purpose of CALGreen, any building that is of Occupancy Group R and is three stories or less.

MAXIMUM INCREMENTAL REACTIVITY (MIR). The maximum change in weight of ozone formed by adding a compound to the “Base Reactive Organic Gas (ROG) Mixture” per weight of compound added, expressed to hundredths of a gram (g O<sup>3</sup>/g ROC).

Note: MIR values for individual compounds and hydro-carbon solvents are specified in CCR, Title 17, Sections 94700 and 94701.

MERV Filter minimum efficiency reporting value.

METERING FAUCET. A self-closing faucet that dispenses a specific volume of water for each actuation cycle. The volume or cycle duration can be fixed or adjustable.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) [BSC-CG & DSA-SS] A California regulation commencing with Section 490 of Chapter 2.7, Division 2, Title 23, California Code of Regulations. The MWELO regulation establishes a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects.

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO). [HCD] The California model ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7), regulating landscape design, installation and maintenance practices. Local agencies are required to adopt the updated MWELO, or adopt a local ordinance at least as effective as the MWELO.

MOISTURE CONTENT. The weight of the water in wood expressed in percentage of the weight of the oven-dry wood.

MOUNTING HEIGHT (MH). The height of the photometric center of a luminaire above grade level.

MULTI-OCCUPANT SPACES. Indoor spaces used for presentations and training, including classrooms and conference rooms.

NEIGHBORHOOD ELECTRIC VEHICLE (NEV). [BSC-CG, DSA-SS] A motor vehicle that meets the definition of “low-speed vehicle” either in Section 385.5 of the Vehicle Code or in 49 CFR571.500 (as it existed on July 1, 2000), and is certified to zero-emission vehicle standards.

NEWLY CONSTRUCTED (or NEW CONSTRUCTION). A newly constructed building (or new construction) does not include additions, alterations or repairs.

NO ADDED FORMALDEHYDE (NAF) BASED RESINS. Resin formulated with no added formaldehyde as part of the resin cross linking structure for making hardwood plywood, particle board or medium density fiberboard. “No added formaldehyde resins” include, but are not limited to, resins made from soy, polyvinyl acetate or methylene diisocyanate. [BSC] See CCR, Title 17, Section 93120.1(a).

NONRESIDENT OR GUEST PARKING. Parking spaces in a multifamily dwelling or residential parking facility that are designated for visitors or staff use.

NON-STORMWATER DISCHARGES. Discharges that do not originate from precipitation events. Including, but not limited to, dewatering activities, washout area discharge, vehicle and equipment cleaning, street cleaning and irrigation runoff.

NONWATER URINAL WITH DRAIN CLEANSING ACTION. A nonwater urinal that conveys waste into the drainage system without the use of water for flushing and automatically performs a drain-cleansing action after a predetermined amount of time.

OFF-STREET LOADING SPACES. [BSC-CG, DSA-SS] An area, other than a public street, public way or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

ORGANIC WASTE. Food waste, green waste, landscape and pruning waste, nonhazardous wood waste and food-soiled paper waste that is mixed in with food waste.

OUTDOOR AIR (Outside air). Air taken from outdoors and not previously circulated in the building.

OVE. [BSC-CG, DSA-SS] Optimal Value Engineering, another term for advanced wood framing techniques.

PERMANENT SUPPORTIVE HOUSING. This has the same meaning as "supportive housing" as defined in Section 50675.14 of the California Health and Safety Code, or its successor provision, except that "permanent supportive housing" shall also include associated facilities if used to provide services to housing residents.

PERMEABLE PAVING. Permeable paving materials and techniques which allow the movement of water around the paving material and allow precipitation to percolate through the paving surface to the soil below.



PLANTS.

A. Adaptive plants. Adaptive plants are plants that grow well in a given habitat with minimal attention in the form of winter protection, pest protection, irrigation and fertilization once established.

Note: Adaptive plants are considered low in maintenance and are not invasive plants.

B. Invasive plants. Invasive plants are both indigenous and nonindigenous species with growth habits that are characteristically aggressive.

Note: Invasive plants typically have a high reproductive capacity and tendency to overrun the ecosystems they inhabit.

C. Native plants. Native plants are plants that have adapted to a given area and are not invasive.

POSTCONSUMER CONTENT. [BSC-CG, DSA-SS] Waste material generated by consumers after it is used and which would otherwise be discarded.

POSTCONSUMER CONTENT. [HCD] Any material which has been used by a consumer and then recycled for use in a new material or product.

POTABLE WATER. Water that is drinkable and meets the US Environmental Protection Agency (EPA) Drinking Water Standards. See definition in the *California Plumbing Code, Part 5.*

POTABLE WATER. [HCD] Water that is satisfactory for drinking, culinary and domestic purposes, and meets the US Environmental Protection Agency (EPA) Drinking Water Standards and the requirements of the Health Authority Having Jurisdiction.

PRECONSUMER (or POSTINDUSTRIAL) [BSC-CG, DSA-SS] Material diverted from the waste stream during one manufacturing process, including scraps, damaged goods and excess production, that is used in another manufacturing process.

PRECONSUMER (OR POSTINDUSTRIAL) CONTENT. [HCD] Material diverted from the waste stream during one manufacturing process, including scraps, damaged goods and excess production that is reclaimed and used in another manufacturing process. Excluded is reutilization of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed within the same process that generated those wastes.

PROCESS. An activity or treatment that is not related to the space conditioning, lighting, service water heating or ventilating of a building as it relates to human occupancy.

PROCESS SPACE. A space that is thermostatically controlled to maintain a process environment temperature less than 55°F or to maintain a process environment temperature greater than 90°F for the whole space that the system serves, or that is a space with a space-conditioning system designed and controlled to be incapable of operating at temperatures above 55°F or incapable of operating at temperatures below 90°F at design conditions.

PRODUCT-WEIGHTED MIR (PWMIR). The sum of all weighted-MIR for all ingredients in a product subject to this article. The PWMIR is the total product reactivity expressed to hundredths of a gram of ozone formed per gram of product (excluding container and packaging).

Note: PWMIR is calculated according to equations found in CCR, Title 17, Section 94521(a).

PROPORTIONAL RECYCLED CONTENT (PRCM). The amount of recycled content of a material in an assembly as related to the percentage of the material in an assembly product. PRCM is derived by multiplying the percentage of each material in an assembly by the percentage of recycled content in the material.

PSIG. Pounds per square inch, gauge.

RAINWATER. Precipitation on any public or private parcel that has not entered an offsite storm drain system or channel, a flood control channel, or any other stream channel, and has not previously been put to beneficial use.

RAINWATER CATCHMENT SYSTEM. A facility designed to capture, retain and store rainwater flowing off a building, parking lot, or any other manmade impervious surface for subsequent onsite use. Rainwater catchment system is also known as “Rainwater Harvesting System” or “Rainwater Capture System.”

REACTIVE ORGANIC COMPOUND (ROC). Any compound that has the potential, once emitted, to contribute to ozone formation in the troposphere.

RECLAIMED (RECYCLED) WATER. Nonpotable water that meets California State Water Resources Control Board statewide uniform criteria for disinfected tertiary recycled water. Reclaimed (recycled) water is also known as “recycled water” or “reclaimed water.”

RECYCLE or RECYCLING. The process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. “Recycling” does not include transformation, as defined in *Public Resources Code Section 40201*.

RECYCLED CONTENT. [BSC-CG, DSA-SS] Refer to International Organization for Standardization ISO 14021—Environmental labels and declarations—Self-declared environmental claims (Type II environmental labeling).

RECYCLED CONTENT (RC). [HCD] The amount of recycled material in an assembly product or material. Refer to International Organization for Standardization ISO 14021—Environmental labels and declarations—Self-declared environmental claims (Type II environmental labeling).

RECYCLED CONTENT VALUE (RCV). [BSC-CG, DSA-SS] Material cost multiplied by postconsumer content plus  $\frac{1}{2}$  the preconsumer content, or  $RCV = \$ X (\text{postconsumer content} + \frac{1}{2} \text{preconsumer content})$ .

RECYCLED CONTENT VALUE (RCV). [HCD]

Assembly products (RCVA). Assembly product cost multiplied by the recycled content of the assembly based on all of the postconsumer content and 50 percent of the preconsumer content.

Materials (RCVM). Material cost multiplied by recycled content of the material based on all of the postconsumer content and 50 percent of the preconsumer content.

RECYCLED WATER. Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur [Water Code Section 13050 (n)]. Simply put, recycled water is water treated to remove waste matter, attaining a quality that is suitable to use the water again.

RESIDENTIAL BUILDING. See “LOW-RISE RESIDENTIAL BUILDING” or “HIGH-RISE RESIDENTIAL BUILDING.”

RESILIENT FLOORING. Refers to nontextile flooring materials which have a relatively firm surface, yet characteristically have “give” and “bounce back” to their original surface profile from the weight of objects that compress its surface. Resilient flooring materials are made in various shapes and sizes including both tile and roll form. Common types of resilient flooring include but are not limited to:

1. Vinyl composition tile.
2. Vinyl tile and sheet flooring.
3. Linoleum tile and sheet.
4. Cork tile and sheet flooring.
5. Rubber tile and sheet flooring.
6. Polymeric poured seamless flooring.
7. Other types of non-textile synthetic flooring.

RE-USE. The use, in the same form as it was produced, of a material which might otherwise be discarded.

SCHRADER ACCESS VALVES. Access fittings with a valve core installed.

SHORT RADIUS ELBOW. Pipe fitting installed between two lengths of pipe or tubing to allow a change of direction, with a radius 1.0 times the pipe diameter.

SINGLE OCCUPANT SPACES. Private offices, workstations in open offices, reception workstations and ticket booths.

SOLAR ACCESS. The ratio of solar insolation including shade to the solar insolation without shade. Shading from obstructions located on the roof or any other part of the building shall not be included in determination of annual solar access.

SOLAR REFLECTANCE. A measure of the fraction of solar energy that is reflected by a surface (measured on a scale of zero to one).

SOLAR REFLECTANCE INDEX (SRI). A measure of a material surface's ability to reflect solar heat, as shown by a small temperature rise. It includes both solar reflectance and thermal emittance and is quantified such that a standard black surface (solar reflectance 0.05, thermal emittance 0.90) is zero and a standard white surface (solar reflectance 0.80, thermal emittance 0.90) is 100.

SOLID WASTE.

A. All putrescible and nonputrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

B. "Solid waste" does not include any of the following wastes:

1. Hazardous waste, as defined in *Public Resources Code* Section 40141.
2. Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8, commencing with Section 114960, of Part 9 of Division 104 of the *Health and Safety Code*).
3. Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 commencing with Section 117600) of Division 104 of the *Health and Safety Code*). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in *Public Resources Code* Section 40195.1.

Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division.

SPECIAL LANDSCAPE AREA (SLA). [DSA-SS] An area of the landscape dedicated solely to edible plants, planting areas used for educational purposes, recreational areas, areas irrigated with recycled water, water features using recycled water, and where turf provides a playing surface or gathering space.

STANDARD DISHWASHER. A dishwasher that has a capacity equal to or greater than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1.

SUBMETER. [HCD 1] A secondary device beyond a meter that measures water consumption of an individual rental unit within a multiunit residential structure or mixed-use residential and commercial structure. (See Civil Code Section 1954.202(g) and Water Code Section 517 for additional details.)

SUPERMARKET. For the purposes of Section 5.508.2, a supermarket is any retail food facility with 8,000 square feet or more conditioned area, and that utilizes either refrigerated display cases, or walk-in coolers or freezers connected to remote compressor units or condensing units.

TENANT-OCCUPANTS. Building occupants who inhabit a building during its normal hours of operation as permanent occupants, such as employees, as distinguished from customers and other transient visitors.

TEST. A procedure to determine quantitative performance of a system or equipment.

THERMAL EMITTANCE. The relative ability of a surface to radiate absorbed heat (measured on a scale of 0 to 1).

TIME DEPENDENT VALUATION (TDV) ENERGY. The time varying energy caused to be used by the building to provide space conditioning and water heating and for specified buildings lighting. TDV energy accounts for the energy used at the building site and consumed in producing and in delivering energy to a site, including, but not limited to, power generation, transmission and distribution losses.

ULTRA-LOW EMITTING FORMALDEHYDE (ULEF) RESINS. Resins formulated such that average formaldehyde emissions are consistently below the Phase 2 emission standards in Section 93120.2, as provided in Section 93120.3(d) of Title 17, California Code of Regulations. [BSC] See CCR, Title 17, Section 93120.1(a).

UNASSIGNED PARKING. Parking spaces in a multifamily dwelling or residential parking facility that are not reserved for or assigned to a specific living unit or user within the building or residence.

UNIVERSAL WASTE. [BSC-CG, DSA-SS] The wastes listed below are subject to regulation pursuant to Chapter 23 of Title 22, *California Code of Regulations*, and shall be known as “universal wastes.”

(1) Batteries, as described in Title 22 CCR, Section 66273.2, Subsection (a);

(2) Electronic devices, as described in Title 22 CCR, Section 66273.3, Subsection (a);

(3) Mercury-containing equipment, as described in Title 22 CCR, Section 66273.4, Subsection (a);

(4) Lamps, as described in Title 22 CCR, Section 66273.5, Subsection (a);



(5) Cathode ray tubes, as described in Title 22 CCR, Section 66273.6, Subsection (a);

(6) Cathode ray tube glass, as described in Title 22 CCR, Section 66273.7, Subsection (a); and

(7) Aerosol cans, as specified in Health and Safety Code, Section 25201.16.

VANPOOL VEHICLE. [BSC-CG and DSA-SS] Eligible vehicles are limited to any motor vehicle, other than a motortruck or truck tractor, designed for carrying more than 10 but not more than 15 persons including the driver, which is maintained and used primarily for the nonprofit work-related transportation of adults for the purposes of ridesharing.

Note: Source: Vehicle Code, Division 1, Section 668.

VAPOR BARRIER. Material that has a permeance of one perm or less and that provides resistance to the transmission of water vapor.

VEGETATED SPACE. Vegetated spaces include, but are not limited to, native, undisturbed areas; rehabilitation of previously disturbed areas with landscaping; green belts; and recreation facilities that include landscaping, such as golf courses.

VOC. A volatile organic compound (VOC) broadly defined as a chemical compound based on carbon chains or rings with vapor pressures greater than 0.1 millimeters of mercury at room temperature. These compounds typically contain hydrogen and may contain oxygen, nitrogen and other elements. See CCR Title 17, Section 94508(a).

Note: Where specific regulations are cited from different agencies, such as South Coast Air Quality Management District (SCAQMD), California Air Resources Board (ARB or CARB), etc., the VOC definition included in that specific regulation is the one that prevails for the specific measure in question.

WATTLES. Wattles are used to reduce sediment in runoff. Wattles are often constructed of natural plant materials such as hay, straw or similar material shaped in the form of tubes and placed on a downflow slope. Wattles are also used for perimeter and inlet controls.

ZEV. [BSC-CG, DSA-SS] Any vehicle certified to zero-emission standards.

ZERO-EMITTING AND HIGH EFFICIENT VEHICLES. [BSC-CG, DSA-SS] Eligible vehicles are limited to the following:

1. Zero emission vehicle (ZEV), enhanced advanced technology PZEV (enhanced AT ZEV) or transitional zero emission vehicles (TZEV) regulated under CCR, Title 13, Section 1962.
2. High-efficiency vehicles, regulated by US EPA, bearing a fuel economy and greenhouse gas rating of 9 or 10 as regulated under 40 CFR Section 600 Subpart D.

#### **24.10.120 Cross-References to CALGreen**

The provisions of this Chapter contain cross-references to the 2022 CALGreen Code to facilitate references and comparison to those provisions.

#### **24.10.130 Local Amendments**

The provisions of this Chapter shall constitute local amendments to the cross-referenced CALGreen Code and modifies, repeals, or replaces the relevant section.

**SECTION 2:** Part 2 of Chapter 24.10 of Title 24 of the San José Municipal Code is amended to read as follows:

**PART 2**  
**RESIDENTIAL MANDATORY MEASURES (CALGREEN, CH. 4)**

**24.10.200 Electrical vehicle (EV) site development (CALGreen, Ch. 4, §§4.106.46 – 4.106.4.3)**

CALGreen, Chapter 4, Sections 4.106.4 through 4.106.4.3 are amended and Table 4.106.4.3.1 is added to be numbered and 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 ~~to facilitate future installation and use of electric vehicle chargers.~~ Electric vehicle supply equipment (EVSE) shall ~~be installed in accordance comply~~ 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:
  - 1.1 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 meeting the requirements will alter the local utility

infrastructure design requirements on the utility side of the meter so as to increase the utility side cost by more than \$400 per dwelling unit for Permanent Supportive Housing or buildings which are restricted for housing those whose income is no more than thirty percent (30%) of the AMI. 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.

- 1.3 Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter for buildings other than those identified in Section 1.2 above, so as to increase the utility side cost by more than an average of \$4,500 per ~~EV-capable~~, EV Ready and EV Charging Station Supply Equipment Spaces, based on the minimum reach code requirements. 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.

- 2 Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.

*4.106.4.1 New one- and two-family dwellings and town-houses with attached and detached private garages.* Each dwelling unit shall be provided with one EV Ready Space.

Exception: Detached private garages without electrical service.

*4.106.4.1.1 Identification.* The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV READY". The raceway termination location shall be permanently and visibly marked as "EV READY".

*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, and residential parking facilities shall meet the requirements of Section 4.106.4.2.2. 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. See Vehicle Code Section 22511.2 for further details. For multifamily dwellings and new residential parking facilities, ten percent (10%) of the total required number of parking spaces on a building site provided for all types of parking facilities shall be EVSE spaces, twenty percent (20%) of the total number of parking spaces provided for all types of parking facilities shall be EV Ready spaces, and seventy percent (70%) of the total number of parking spaces for all types of parking facilities shall be EV Capable spaces. For hotels and motels, ten percent (10%) of the total required number of parking spaces on a building site provided for all types of parking facilities shall be EVSE spaces and fifty percent (50%) of the total number of parking spaces for all types of parking facilities shall be EV Capable spaces. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. See, Table 4.106.4.23.3-1 below.

4.106.4.2.1 Not Adopted Reserved.

4.106.4.2.2 Not Adopted Multifamily dwellings, hotels and motels.

1. EV Ready Parking Spaces with Receptacles.

a. Hotels and Motels. Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

b. Multifamily Parking Facilities and Residential Parking Facilities. Install one low power Level 2 EV charging receptacle for each parking space specified for use by residents.

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.

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 meter, unless determined as infeasible by the project builder or designer and subject to concurrence of the Building Official.

Exceptions:

1. 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.

2. Unassigned Parking spaces or Unbundled Parking spaces, as defined in the San José Municipal Code Section 20.200.1304.
3. When evidence is substantiated to the Building Official that meeting the requirements of 4.106.4.2.2 Section 2(c) (Receptacle Power Source) will alter the electrical system design requirements on the customer side of the meter for buildings other than those identified in 4.106.4 Section 1.2 above, so as to increase the customer side cost by more than an average of \$4,500 per EV Ready Space connected to the dwelling unit's electrical meter. If costs are found to exceed this level, the applicant shall still provide the required number of EV Ready Spaces with receptacles, however, they are not required to comply with the Receptacle Power Source requirement in this subsection.

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. EV Ready Parking Spaces with EV Chargers.

a. Hotels and Motels. Ten (10) percent of the total number of parking spaces shall be equipped with Level 2 EV Chargers. At least fifty (50) percent of

the required Level 2 EV chargers shall be equipped with J1772 connectors.

b. Multifamily Parking Facilities and Residential Parking Facilities. Twenty (20) percent of parking available for nonresidents or guests shall be equipped with Level 2 EV chargers. At least fifty (50) percent of the required Level 2 EV chargers shall be equipped with J1772 connectors. Level 2 EV chargers located in the nonresident or guest parking area shall be available for use by all residents or guests.

Exceptions:

1. 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.
2. Where no nonresident or guest parking spaces are provided.

### 3. EV Capable Spaces.

a. ~~Hotels and Motels. Fifty (50) percent of the total number of parking spaces shall be EV Capable spaces.~~

b. ~~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 Capable spaces at a minimum of 40 amperes.~~



The service panel or subpanel 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.

Where low power Level 2 EV charging receptacles or Level 2 EVSE EV Chargers are installed beyond the minimum required, 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.

~~1. Level 2 EVSE: Five (5) percent of the total required number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.~~

~~When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, 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 EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.~~

~~2. Calculations. 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.~~

~~The service panel or subpanel 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.~~

~~Exceptions:~~

~~1. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than the required number of EV capable spaces.~~

~~2. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.~~

~~Notes:~~

~~a. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.~~

*4.106.4.2.2.1 Electric vehicle charging stations (EVCS).* Electric vehicle charging stations required by ~~Section 4.106.4 and~~ Section 4.106.4.2.2, Item 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.

~~4.106.4.2.2.1.1 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 4.106.4.2.2.1.1 and Section 4.106.4.2.2.1.2, Item 3.~~

~~4.106.4.2.2.1.2-1 Electric vehicle charging stations (EVCS) spaces with EV Chargers installed; dimensions and location. The charging spaces EVCS 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 ~~charging-EVCS~~ 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 EVCS space is 12 feet (3658 mm).

a. 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.

4.106.4.2.2.1.3-2 Accessible ~~EV~~Electric Vehicle Charging Station spaces. In addition to the requirements in Sections 4.106.4.2.2.1.1 ~~and 4.106.4.2.2.1.2~~, all EVSE Chargers, when 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.

4.106.4.2.3 ~~EV space requirements.~~ Reserved.

~~1. *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 location or the proposed location of the EV space. Construction documents shall identify the raceway termination point, receptacle or charger location, as applicable. The service panel and/or subpanel shall have a 40-ampere minimum dedicated branch circuit, including branch circuit overcurrent protective device installed, or space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

~~*Exception:* A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space, at the time of original construction in accordance with the California Electrical Code.~~

~~2. *Multiple EV spaces required.* Construction documents shall indicate the raceway termination point and the location of installed or future EV spaces, receptacles, or EV chargers. Construction documents shall also provide information on amperage of installed or future receptacles or EVSE, raceway method(s), wiring schematics and electrical load calculations. Plan design shall be based upon a 40-ampere minimum branch circuit. Required 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.~~

~~*Exception:* A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the~~

~~proposed location of the EV space at the time of original construction in accordance with the California Electrical Code.~~

~~4.106.4.2.4 *Identification--Reserved.* The service panel or subpanel 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.~~

*4.106.4.2.5 Electric Vehicle Ready Space Signage.* Electric vehicle ready spaces 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).

*4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.* ~~When~~ 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 ~~electric vehicle charging spaces (EV Capable spaces) capable of supporting to support~~ future Level 2 ~~EVSE~~ electric vehicle supply equipment. The service panel or subpanel circuit directory shall identify the overcurrent protective device spaces(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.

- There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

**Table 4.106.4.3.1 Number of Space Requirements**

Building Type	Required <u>EV Ready Spaces with EVSE EV Charger Spaces</u> <sup>4</sup>	Required <u>EV Ready Spaces with Low Power Level 2 Receptacles EV Ready Space</u>	Required EV Capable Spaces
Multifamily	<del>10</del> <u>20</u> % of total, at least <u>5</u> % of total <u>Level 2 EVSE Nonresident or Guest Parking spaces</u>	<u>1 for each parking space specified for use by residents</u> <del>20</del> % of total	<del>7</del> <u>0</u> % of total
New Residential Parking Facilities	<del>20</del> <u>10</u> % of <u>Nonresident or Guest Parking spaces total</u> , at least <u>5</u> % of total <u>Level 2 EVSE</u>	<u>1 for each parking space specified for use by residents</u> <del>20</del> % of total	<del>7</del> <u>0</u> % of total
Hotel/Motel	10% of total, at least <u>5</u> <del>0</del> % of <u>which total Level 2 EVSE are J1772 connectors</u>	<u>40</u> <del>0</del> % of total <u>parking spaces</u>	<del>5</del> <u>0</u> % of total

<sup>4</sup>All calculations shall be based upon the total number of ~~required~~ provided parking spaces, and rounded up to the nearest whole number.

**SECTION 3.** This Ordinance shall become effective on July 1, 2024.

**SECTION 4:** The supporting findings for each section amendment is attached as Exhibit "A" to this Ordinance.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



**Exhibit A**  
**Cross-Reference for Supportive Findings and Code Section**

- A. The San Francisco Bay area region is densely populated and located in an area of high seismic activity. The City is bounded by the Hayward and San Andreas faults capable of producing major earthquakes; and
- B. Gas appliances and associated piping located in the ground and in buildings increase the risk of explosion or fire if there is a structural failure due to a seismic event especially consider the City's number of older buildings and increasing density; and
- C. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department, resulting in challenges in meeting the fire and life safety needs of the community; and
- D. Solar infrastructure on buildings reduces the need for pipelines and electrical transmission lines; and
- E. The local geographic, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential fires in the City, and may cause a delayed response from emergency responders, allowing further growth of fires; and
- F. Over the next century, increasing levels of atmospheric greenhouse gases are expected to result in global temperature increases, causing a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended periods of drought. Local geographic, topographic, and climatic conditions include increased risk of the following:
  - 1. Fires: In addition to the increased risk as a result of earthquakes, the City is surrounded by hills both within City limits or adjacent to them. The dry brush and steep terrain are particularly susceptible to wildfires. The City, through its Fire Department, has designated approximately 54.5 square miles of the City's 180 square miles of incorporated area as Wildland Urban Interface ("WUI"). These areas in the southwestern and southeastern areas of the City known as the Almaden Valley and East Foothills have heightened construction and regulatory standards to mitigate the spread of wildfires. In addition, wildfires located outside of the area in 2018 created a blanket of toxic smoke over the City, causing the

worst air quality on record by the Bay Area Air Quality Management District for two (2) consecutive weeks; and

2. Landslides: Extreme storms as a result of climate change increase the chance of rainfall-induced landslide; fire and drought may kill vegetation in the City's WUI, increasing runoff and potential for landslide; and
3. Drought: Prolonged periods of drought as a result of climate change may deplete reservoirs and the groundwater basin serving San Jose, as of 2021, Governor Newsom has included Santa Clara County in a statewide emergency declaration specifically for drought conditions, and local agencies, including the Santa Clara Valley Water District, Santa Clara County, and City of San Jose issued emergency proclamations regarding drought conditions; and
4. Flooding: Extreme weather conditions such as sudden, prolonged rainfall as result of climate change could result in a spillover from local dams, including the Anderson Dam, which can result in flooding of local creeks which run through San Jose, such as the Coyote Creek; as the City experienced in 2017, as well as flooding that was the result of atmospheric river conditions requiring monitoring of Ross Creek, the Guadalupe River, and Upper Penitencia Creek as the City experienced in January and February of 2023; and
5. Sea Level Rise: Sea level rise as a result of climate change will have a dramatic local impact on the City. The City's Alviso area borders the southern end of the San Francisco Bay and is particularly vulnerable to sea level rise and is at an increased risk of flooding; and
6. Heat: Increased heat as a result of climate change can have a local impact on the health, safety, and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, and children; and
7. Increasing and encouraging the use of electric vehicles will help the City meet its goals under Climate Smart San Jose to reduce greenhouse gas emissions; and
  - a. Electric vehicles depend upon convenient access to charging; and

- b. The most cost-effective time to prepare electrical infrastructure for electric vehicle charging is when the electric service is installed or upgraded for construction, and during site preparation for the construction of parking lots; and
- G. Failure to address and substantially reduce greenhouse gas emissions creates an increased risk to the health, safety and welfare of city residents. Council considers and adopts as findings the analysis contained in the staff report and prior reports to Council including those related to the declaration of a climate emergency and those for the September 17, 2019 City Council meeting; and
- H. Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist; and
- I. On September 23, 2022, Governor Newsom issued an executive order requiring the California Air Resources Board to adopt regulations to ban the sale of new models of gasoline-only vehicles; and
- J. On August 25, 2022, the California Air Resources Board mandated that the sale of light-duty trucks and passenger cars be limited to zero-emission vehicles by the 2035 model year;
- K. Within the City, lack of access to vehicle charging stations disproportionately impacts disadvantaged communities; and
- L. The provisions of this Ordinance establishing certain more restrictive standards than the California Codes will better serve to prevent or minimize structural damage resulting from local conditions; and
- M. The provisions of this Ordinance are cost effective if legally required;. And
- N. Each of the provisions of the Ordinance are supported by all of the findings A- Z above, without limitation. The most directly relevant findings for each of the amendments are itemized as follows:

### Supporting Findings

Base Code Amended	Supporting Findings
Section 4.106.4, et seq. New multifamily dwellings, hotels and motels and new residential parking facilities	F,G,H, I, J, K, L, M