**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**

IN THE MATTER OF:

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|---|---|---|
| An Ordinance of the City Council of Lafayette amending Title 6 of the Lafayette Municipal Code to revise the EV Charging Requirements for multi-family and commercial Development projects. | ) | Ordinance No. 682 |

**WHEREAS**, on September 23, 2020, Governor Gavin Newsom signed Executive Order N-79-20 banning the sale of internal combustion engine passenger vehicles starting 2035 and prioritizing clean transportation solutions; and

**WHEREAS**, on March 17, 2021, drafting an ordinance to address the availability of electric vehicle charging infrastructure was identified as a goal by the Environmental Task Force for the 2021-2022 fiscal year at their annual presentation to the City Council; and

**WHEREAS**, at that meeting the City Council verified and endorsed the Environmental Task Force's goals for the 2021-2022 fiscal year and emphasized their interest in receiving an ordinance concerning electric vehicle charging infrastructure to review; and

**WHEREAS**, on March 10, 2022, the Environmental Task Force unanimously approved a proposal that the City of Lafayette adopt an ordinance that would provide EV charging access for all future City residents who live in new multifamily dwellings, and directed a subcommittee to draft a recommendation for city staff to draft an ordinance from; and

**WHEREAS**, the City published legal notice of the aforementioned public hearing pursuant to California Government Code Section 65854 to amend the ordinance as described on August 5, 2022; and

**WHEREAS,** on August 15, 2022, the Planning Commission's regularly scheduled meeting was affected due to a power outage in Lafayette affecting potentially 500-4,999 PG&E customers. The Commission did not discuss any business on the agenda and all items were continued to August 22, 2022; and

**WHEREAS,** on August 22, 2022, the Planning Commission had a special meeting and conducted a public hearing, where it received written and oral testimony including a written staff report; after consideration and deliberation the Commission adopted Resolution No. 2022-13, finding the project exempt from CEQA and recommending that the City Council adopt Ordinance No. 682 to amend Chapter 6-6 of the Lafayette Municipal Code; and

**WHEREAS**, the City published legal notice of the aforementioned public hearing pursuant to California Government Code Section 65854 on September 23 and 30, 2022; and

**WHEREAS,** on October 11, 2022, the City Council conducted a duly noticed public hearing, where it received written and oral testimony including a written staff report, at which time all persons wishing to testify in connection with ZT07-22 were heard and fully studied. After consideration and

deliberation, the City Council introduced Ordinance No. 682 and continued to project to October 24, 2022 for a second reading and adoption; and

**WHEREAS,** on October 24, 2022, the City Council conducted a duly noticed public hearing, where it received written and oral testimony including a written staff report, at which time all persons wishing to testify in connection with ZT07-22 were heard and fully studied; after consideration and deliberation the Council found the project exempt from CEQA (Public Resources Code Section 21000, et seq.) pursuant to Public Resources Code §21080.17 and CEQA Guidelines §15282(h), because adoption and implementation of the proposed Ordinance does not constitute a "project" as defined by CEQA since there is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment and adopted Ordinance No. 682 to amend Chapter 6-6 of the Lafayette Municipal Code.

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:**

Section 1. Summary. This ordinance amends Chapter 6-6: Off-Street Parking of the Lafayette Municipal Code to revise the EV Charging requirements for multi-family and commercial development projects and accompanying definitions related to EV charging infrastructure.

Section 2. Findings. The following changes and modifications to Chapter 6-6: Off-Street Parking of the Lafayette Municipal Code are determined to be more restrictive than the statewide EV Charging standards. The City Council hereby finds and determines that the following changes to Title 6 are consistent with the policies enumerated in the General Plan for the City of Lafayette.

Section 3. Amendments. Section 6-603 of the Lafayette Municipal Code, is hereby amended to read as follows:

**"6-603 - Definitions**

(a) "Accessory Uses." Uses incidental and secondary to the principal use within tenant space.

(b) "Automatic Load Management System (ALMS)." 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.

~~(b)~~(c) "Calculation of a parking space." Where the computation of required off-street parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

~~(c) "Electric Vehicle ready (EV ready)." For the purpose of this chapter, "EV ready" is preparation for EV charging in the form of a dedicated electrical circuit for each charging spot with a capacity of 220V or more, the installation of conduit and wire required to run electricity to EV charging spots, and electrical panels labeled "EV ready" and positioned near where people will park.~~

~~(d) "Electric Vehicle Supply Equipment (EVSE)." Equipment including the conductors (ungrounded, grounded, and equipment grounding the conductors), electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. EVSE be accompanied by a dedicated electrical circuit for each charging spot with a capacity of 220V or more, the installation of conduit and wire required to run electricity to EV charging spots.~~

(d) "Electric Vehicle (EV) Capable Space." 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.

(e) "Electric Vehicle (EV) Ready Space." 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.

~~(e)~~(f) "Gross Floor Area (GFA)." For the purpose of this chapter, gross floor area is the total floor area contained within the tenant space as measured to the internal face of the external walls. Gross floor area shall be used in calculating the required parking. No exceptions or exclusions of interior spaces within a tenancy are allowed. Walkways, breezeways and hallways separating individual tenants within a multi-tenant building are excluded.

(g) "Level 2 Electric Vehicle Supply Equipment (EVSE)." 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.

(h) "Low Power Level 2 Electric Vehicle (EV) Charging Receptacle." A 208/240 Volt 20-ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.

~~(f)~~(i) "Mixed use building or mixed use complex." A combination of different use classifications in different tenant spaces on the same parcel or within the same building.

~~(g)~~(j) "Principal uses." The primary use which makes up the majority of the gross floor area of a tenant space.

~~(h)~~(k) "Public parking." Parking that is available to the public and not reserved for the exclusive use of the tenant or tenants.

Section 4. Amendments. Section 6-604 (e) of the Lafayette Municipal Code is hereby amended to read as follows:

**"Section 6-604 – Parking ratios and requirements**

~~(e) Charging stations required. Electric Vehicle charging stations are required for new or enlarged multi-family or commercial development. The required charging spaces may count towards the total number of parking spaces required. Each EV space shall be equipped with fully operational Electric Vehicle Supply Equipment (EVSE). Calculations to determine the number of EV spaces shall be rounded up to the nearest whole number. Electric vehicle calculations are based on the number of required spaces based on the ratios in 6-604(c) regardless of any reductions or mitigations.~~

~~(1) New multifamily dwellings. For any new multifamily development containing two or more dwelling units, at least five percent of the total number of parking spaces provided for all types of parking facilities, but in no case no less than one parking space, shall be Electric Vehicle charging spaces (EV spaces). The location of each EV space shall be identified on construction documents.~~

~~(2) Commercial and Office.~~

| ~~Commercial Charging Space Calculations~~ | |
|---|---|
| ~~Total number of parking spaces required~~ | ~~Required number of EV Charging Spaces~~ |
| ~~1-9~~ | ~~0~~ |
| ~~10-25~~ | ~~2~~ |
| ~~26-50~~ | ~~3~~ |

| | |
|---|---|
| ~~51-75~~ | ~~5~~ |
| ~~76-100~~ | ~~6~~ |
| ~~101-200~~ | ~~12~~ |
| ~~201 and over~~ | ~~6%~~ |

"(e) **Charging Stations Requirements for New Multifamily Development Projects and Hotels and Motels**

(1) Space Counting. For the purposes of fulfilling the requirements outlined in this Section 6-604(e), the required charging spaces may count towards the total number of parking spaces required. In addition, calculations to determine the number of EV spaces shall be rounded up to the nearest whole number.

(2) Requirements for Multifamily Development Projects with less than 20 Dwelling Units; and Hotels and Motels with less than 20 Sleeping Units or Guest Rooms.

(a) EV Capable. Ten (10) percent of the 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 Level 2 EVSE. 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.

(b) EV Ready. Twenty-five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. All remaining dwelling unit parking spaces not otherwise provided with low power Level 2 EV charging receptacles or EV capable spaces shall be EV ready spaces capable of Level 1 (e.g., a 120-volt, 15-ampere standard residential outlet) or faster EV charging. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

(i) Exceptions: (1) Areas of parking facilities served by parking lifts and (2) Visitor or common area parking is not required to be EV ready.

(c) EV Chargers. Level 2 EVSE are not required. However, for each Level 2 EVSE that is installed to service a dwelling unit parking space (as opposed to visitor or common area parking spaces), one fewer EV capable or EV ready space will be required.

(3) Requirements for Multifamily Development Projects with 20 or more Dwelling Units; and Hotels and Motels with 20 or More Sleeping Units or Guest Rooms.

(a) EV Capable. Ten (10) percent of the 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 Level 2 EVSE. 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.

(b) EV Ready. Twenty-five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. All remaining dwelling unit parking spaces not otherwise provided with low power Level 2 EV charging receptacles, EV capable spaces, or EV chargers shall be EV ready spaces capable of Level 1 (e.g., a 120-volt, 15-ampere standard residential outlet) or faster EV charging. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

(i) Exceptions: (1) Areas of parking facilities served by parking lifts and (2) Visitor or common area parking is not required to be EV ready.

(c) EV Chargers. Five (5) percent of the total 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.

(i) If additional EV chargers are installed such that more than five (5) percent of parking spaces are equipped with Level 2 EVSE, then for each additional EV charger that has been installed, one fewer EV capable or EV ready space will be required.

(ii) 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.

(4) For instances where there are inconsistencies between this section and the 2022 California Building Code regarding electric vehicle charging requirements for new multifamily development projects, the requirements in Section 6-604 (e) apply."

Section 5. CEQA. The City Council finds that the proposed Zoning Text Amendment is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), because adoption and implementation of the proposed Ordinance does not constitute a "project" as defined by CEQA since there is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the

remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 7. Publication. The City Clerk shall either (a) have this ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

Section 8. Recitals. This ordinance received a reading from the Planning Commission on August 22, 2022, where the Commission adopted Resolution 2022-13 finding the project exempt from CEQA and recommending that the City Council adopt Ordinance No. 682. The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lafayette on October 11, 2022 and continued to the City Council meeting of October 24, 2022 for a second hearing and adoption of the ordinance.

Section 9. Effective Date. This ordinance shall become effective on January 1, 2023 to coincide with the effective date of the 2022 CALGreen Building Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lafayette on October 11, 2022 and was adopted at a regular meeting of the City Council on October 24, 2022, by the following vote:

AYES: **Gerringer, Anduri, Candell, Dawson, and Kwok**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

APPROVED:

Teresa Gerringer

Teresa Gerringer, Mayor

ATTEST:

Joanne Robbins

Joanne Robbins, City Clerk

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