

REPORT TO CITY COUNCIL

DATE: JANUARY 25, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

**BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
LUKAS QUACH, BUILDING OFFICIAL**

SUBJECT: ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE TO ESTABLISH THE CITY OF AGOURA HILLS REACH CODE AND ADOPT ALL-ELECTRIC BUILDING REQUIREMENTS, AND ADOPT A RESOLUTION MAKING FINDINGS THAT AMENDMENTS TO THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODES, AS ADOPTED, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS

The City of Agoura Hills (the City) is committed to providing a more livable, equitable, and economically vibrant community through the reduction of greenhouse gas emissions. On January 11, 2022, the City Council introduced Ordinance No. 23-466, amending the 2022 California Green Standards Code to establish the City of Agoura Hills Reach Code and adopt All-Electric Building requirements, strengthening the City's commitment to climate action and sustainability. The goal of the Reach Code is to reduce reliance on fossil fuels with the co-benefits of cleaning up the air, providing cost savings to residents, and building resiliency during climate change.

At the City Council meeting on January 11, the City's Reach Code consultant presented the scope of the Reach Code to require newly constructed buildings be designed and constructed as all-electric buildings, with limited exceptions. Exceptions from being all-electric building requirements for new residential construction include swimming pools and spas, attached Accessory Dwelling Units (ADU) / Junior ADU (JADU), and rebuilding of existing residential units after a natural disaster such as wildfires, floods, earthquakes, etc. Clarification was made to the ADU/JADU exception in that it applies only when attaching to an existing building. The proposed exception for multifamily residential building projects that have approved entitlements before the effective date may use gas fuel for water heating systems was deliberated and the City Council agreed on NOT allowing the exception.

For new nonresidential projects, the exceptions include swimming pools and spas, laboratories, commercial kitchens, backup power for critical facilities, and when it is physically or technically infeasible to build without fuel gas infrastructure. Clarification

was made that the qualified exception only applies to the specific end use and is not intended for the entire building to be exempted from the all-electric building requirements. Additionally, once the qualified exception no longer applies, the gas piping is required to be removed and/or capped and the meter to be removed.

The City Council voted 5-0 to approve the ordinance as motioned. Staff amended the Ordinance as discussed at the January 11, City Council meeting, and is bringing back the Ordinance for official adoption.

Adoption of the Ordinance requires CEQA compliance. Ordinance No. 23-466 is exempt from the California Environmental Quality Act (CEQA) on the grounds that its regulatory standards are more stringent than those in the State Green Building Standards Code and is a regulatory action for the protection of the environment. As a result, there are no reasonably foreseeable adverse impacts associated with these higher standards, and the Ordinance is therefore exempt from CEQA under Sections 15308 and 15061(b)(3).

RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 23-466 and Resolution No. 23-2029 making express findings that the amendments to the 2022 California Green Building Standards Code are reasonably necessary because of local climatic, geological, or topographical conditions.

Attachment: Ordinance No. 26-466
Resolution No. 23-2029

ORDINANCE NO. 23-466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE TO ESTABLISH THE CITY OF AGOURA HILLS REACH CODE AND ADOPT ALL-ELECTRIC BUILDING REQUIREMENTS

WHEREAS, the City of Agoura Hills City has adopted the 2022 edition of the California Green Building Standards Codes; and

WHEREAS, pursuant to Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code, the City may adopt amendments, modifications, changes, additions, and deletions to the provisions of these codes, which are reasonably necessary to protect the health, welfare, and safety of the citizens of Agoura Hills because of local climatic, geological, and topographical conditions; and

WHEREAS, the adoption of these local amendments is consistent with the goals of reducing greenhouse gas emissions as identified in the City's Climate Action Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Sections 8215 of Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"8215. City of Agoura Hills Reach Code (AH Green). Modifications to the 2022 California Green Building Standards Code (CALGreen).

a) Section 202 Definitions of CALGreen is hereby amended by adding the following definitions:

ALL-ELECTRIC BUILDING is a building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating, cooking appliances (including barbecues), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service. An All-Electric Building may include solar thermal collectors.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT is the equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

FUEL GAS INFRASTRUCTURE is Fuel Gas piping in or in connection with a building, structure, or within the property lines of premises, extending from the point of delivery at the gas meter or gas tank as specified in the California Mechanical Code and Plumbing Code.”

SECTION 2. New Subsection 8215.1 is hereby added to Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

“8215.1 Electric Vehicle (EV) Charging for New Residential Construction

a) Section 4.106.4.1 and subsection 4.106.4.1.1 of CALGreen are amended to read as follows:

4.106.4.1 New One- And Two-Family Dwellings and Town-Houses With Attached Private Garages. For each dwelling unit, *a dedicated 208/240-volt branch circuit shall be installed in a listed raceway.* The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box, or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible, or concealed areas and spaces. *The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum. Other electrical components, including a receptacle or blank cover, related to this section shall be installed in accordance with the California Electrical Code.*

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device designated for future EV charging purposes as *“EV READY” in accordance with the California Electrical Code. The receptacle or blank cover shall be identified as “EV READY.”*

b) Section 4.106.4.2.1 of CALGreen is amended to read as follows:

4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **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.

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.
3. *Areas of parking facilities served by parking lifts or parking spaces accessible only by automated mechanical car parking systems.*

Notes:

- a. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.
 - b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
2. **EV Ready.** *Thirty-five (35) percent of the total number of parking spaces shall be equipped with low-power Level 2 EV charging receptacles. 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.*

Exception: *Areas of parking facilities served by parking lifts or parking spaces accessible only by automated mechanical car parking systems.*

- c) Section 4.106.4.2.2 of CALGreen is amended to read as follows:

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **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.

Exceptions:

1. When EV chargers (Level 2 EVSE) are installed in a number greater than *ten (10)* percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the *ten (10)* percent required.
2. *Areas of parking facilities served by parking lifts or parking spaces accessible only by automated mechanical car parking systems.*

Notes:

- a. Construction documents shall show locations of future EV spaces.
 - b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
2. **EV Ready.** *Thirty-five (35)* percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. 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.

Exception: *Areas of parking facilities served by parking lifts or parking spaces accessible only by automated mechanical car parking systems.*

3. **EV Chargers.** *Ten (10)* 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.

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.

Exception: *Areas of parking facilities served by parking lifts or parking spaces accessible only by automated mechanical car parking systems.*

SECTION 3. New Subsection 8215.2 is hereby added to Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

“8215.2 All-Electric Buildings – Residential

New Subsection 4.106.5 is hereby added to CALGreen to read as follows:

4.106.5 All-Electric Buildings. *Newly Constructed Buildings shall be designed and constructed as All-Electric Buildings.*

Exceptions:

- 1. *Attached Accessory Dwelling Unit (ADU) or Junior ADU (JADU), to existing buildings with gas fuel system.*
- 2. *Swimming pools and spas.*
- 3. *Rebuilding of existing residential units after a natural disaster such as wildfires, floods, earthquakes, etc.”*

SECTION 4. New Subsection 8215.3 is hereby added to Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

“8215.3 Electric Vehicle (EV) Charging for Nonresidential Construction

Table 5.106.5.3.1 of CALGreen is amended to read as follows:

TABLE 5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES (EVCS)	NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE) ²
0—9	2	0
10—25	5	2
26—50	11	4
51—75	19	5
76—100	26	9
101—150	38	13
151—200	53	18

201 and over	30 percent of total parking spaces ¹	33 percent of EV-capable spaces ¹
--------------	---	--

1. Calculation for spaces shall be rounded up to the nearest whole number.
2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 counts toward the total number of required EV capable spaces shown in column 2.”

SECTION 5. New Subsection 8215.4 is hereby added to Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

“8215.4 All-Electric Buildings – Nonresidential

New Subsection 5.106.13 is hereby added to CALGreen to read as follows:

5.106.13 All-Electric Buildings. *Newly Constructed Buildings shall be designed and constructed as All-Electric Buildings.*

Any buildings exempted from these requirements shall nonetheless be required at a minimum to have sufficient reserved circuit breakers and electrical conduit to facilitate future full building electrification as certified by affidavit of either a Registered Design Professional or a Licensed Electrical Contractor.

Exceptions:

1. *If the applicant demonstrates that it is physically or technically infeasible to build without Fuel Gas Infrastructure the local enforcing agency may grant a modification.*
2. *Provision of Natural Gas Infrastructure for certain end uses when no all-electric alternative is commercially available or viable. End uses eligible for technical exemptions are:*
 - *Back-up power for Critical Facilities necessary to protect public health or safety in the event of an electric grid outage.*
3. *Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit.*
4. *Notwithstanding the requirements of this Chapter, minimally necessary and specifically tailored Fuel Gas Infrastructure shall be allowed in a Newly Constructed Building on a revocable basis until the excepted uses below no longer exist in the building. At such time, the Fuel Gas Infrastructure shall*

be capped, otherwise terminated or removed, and the gas meter shall be removed, by the entity previously entitled to the exemption in a manner pursuant to all applicable Codes. The following uses are subject to this exception:

- a. Commercial Food Heat-Processing Equipment*
- b. Laboratory*
- c. A swimming pool that is provided as a public amenity*
- d. Spas”*

SECTION 6. In accordance with CEQA Guidelines Section 15308, adoption of this Ordinance is categorically exempt from CEQA, because it imposes stricter energy efficiency requirements and is a regulatory action authorized by state law and intended to protect the environment. This adoption of this ordinance is also exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the adoption of this ordinance will not have a significant adverse effect on the environment.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it should have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. The Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 9. The City Clerk shall certify to the passage of this ordinance and shall cause the ordinance in full to be published at least once in the local newspaper of general circulation, circulated within the City of Agoura Hills. A copy of the full text of this ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage and shall be available to any member of the public.

This ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2023.

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Chris Anstead, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

RESOLUTION NO. 23-2029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, MAKING FINDINGS THAT AMENDMENTS TO THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE ESTABLISHING THE CITY OF AGOURA HILLS REACH CODE, AND ADOPTING ALL-ELECTRIC BUILDING REQUIREMENTS, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS

WHEREAS, the City's Climate Action and Adaptation Plan includes increased energy efficiency, use of renewable energy sources, and electric vehicle charging station expansion by implementing "Reach Codes" for building electrification and electric vehicle infrastructure; and

WHEREAS, the City's goal is to improve community health, safety, and resilience by reducing the emissions of greenhouse gases (GHGs) and improving indoor air quality of new buildings; and

WHEREAS, the California Green Building Standards Code, 2022 edition, Title 24, Part 11 of the California Code of Regulations, was adopted by the City of Agoura Hills (City) on November 9, 2022; and

WHEREAS, the City Council intends to make modifications to building standards in the 2022 California Green Building Standards Code which will be more restrictive than State Law; and

WHEREAS, California Health and Safety Code Section 17958.5 requires the City Council to make express findings that such modifications are reasonably necessary because of local climatic, geological, or topographical conditions, and Section 17958.7 requires that such findings shall be filed with the California Building Standards Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE AS FOLLOWS:

1. Amendments to building standards in the 2022 edition of the California Green Building Standards Code, proposed to be adopted in Ordinance No. 23-466 by the City Council, are reasonably necessary because of local climatic, geological, and/or topographical conditions that create seismic hazards and wildfires, and create a negative impact due to the amount of energy, air quality, and greenhouse gas emissions. A summary of the amendments, with specific references to the express findings, is provided in the table attached hereto as Exhibit A, and incorporated by reference herein.

2. Based on local climatic, geological and/or topographical conditions, the City has incorporated amendments to the 2022 California Green Building Standards Code, as set forth in Ordinance No. 23-466.

3. The Building Official of the City of Agoura Hills shall file a copy of Ordinance No. 23-466, as amended, together with a copy of this Resolution, with the California Building Standards Commission, and shall obtain an endorsed copy from said Department to be filed with the City of Agoura Hills.

PASSED, APPROVED, AND ADOPTED, this 25th day of January, 2023.

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Chris Anstead, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

**EXHIBIT A
 EXPRESS FINDINGS**

2022 CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS

	TITLE/DESCRIPTION	EXPRESS FINDINGS
Section 202	Amend Section 202 - Definition	A,B,C
Section 4.106.4.1	Amend Section 4.106.4.1 - New One- And Two-Family Dwellings and Townhouses With Attached Private Garages.	C
Subsection 4.106.4.1.1	Amend Subsection 4.106.4.1.1 - Identification.	C
Section 4.106.4.2.1	Amend Section 4.106.4.2.1 - Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.	C
Section 4.106.4.2.2	Amend Section 4.106.4.2.2 - Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.	C
Subsection 4.106.5	Add Subsection 4.106.5 All-Electric Buildings	B
Table 5.106.5.3.1	Amend TABLE 5.106.5.3.1 – Number of Required EVSE/EVCS	C
Subsection 5.106.13	Add Subsection 5.106.13 - All-Electric Buildings	B

EXPRESS FINDINGS

- A. **Local Administrative Finding** – This amendment is necessary for administrative clarification. It does not modify a Building Standard pursuant to Sections 17958 and 18941.5 of the California Health and Safety Code and does not require an express finding to be made pursuant to Sections 17958.5 and 17958.7 of the California Health and Safety Code. This amendment established administrative standards for the effective enforcement of building standards and therefore needs to be incorporated into the Code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the Code.

- B. **Local Geological Conditions** – The City of Agoura Hills is located in an area with high seismic risk with buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent 1994 Northridge Earthquake, the 1987 Whittier Narrows Earthquake, the 1971 San Fernando Earthquake and the 1933 Long Beach Earthquake. Earthquakes from these faults could produce primary effects such as strong ground shaking or ground rupture, and secondary effects such as liquefaction and landslides. These primary and secondary effects pose a significant hazard to the City’s building stock and infrastructure, and to public health and safety. This could result in the collapse of vulnerable buildings and bridges, ground rupture affecting roads and highways, and liquefaction damaging buildings and pipelines (water, gas, and sewage). Fire from broken gas lines and the lack of water from broken water lines could result in major damage. There are also concerns for fire-life safety associated with gas appliances and

associated piping located in the ground and in the buildings which increases with the risk of explosion or fire. The protection of human life and the preservation of property support the imposition of having all-electric building requirements greater than those set forth in codes adopted by the California Building Standards Commission. The proposed modification will reduce the failures and injuries, save lives, and minimize structural damage, and therefore needs to be incorporated into the Code to assure that new buildings and structures are designed and constructed in accordance with the scope and objectives of the Code.

- C. **Local Climatic Conditions** – The seasonal hot and dry weather in combination with Santa Ana winds frequently create a high potential for wildland fires in areas of the City of Agoura Hills which is located in a very high fire hazard severity zone. These conditions create an environment where the entirety of local fire department personnel, as well as resources from outside the community, are required to control, monitor, fight and protect against such fire situations in order to protect life and preserve property. In addition, the region is within a climate system capable of producing major winds, fire, and rain-related disasters, including but not limited to those caused by the Santa Ana winds and El Nino (or La Nina) subtropical-like weather in areas of the City without adequate fire department personnel to protect against and control such a situation. Climate change is causing historic droughts, devastating wildfires, torrential storms, extreme heat, property damage, and threats to human health and food supplies. The State of California has outlined specific steps to reduce greenhouse gas emissions to prevent these negative impacts of changing climate, including moving the State to 100 percent clean energy by 2045. This gives local governments the opportunity to achieve greenhouse gas emission reductions with a climate positive impact by powering buildings from clean electricity. The proposed modification to increase the number of EV charging spaces and stations will help to address and significantly reduce local air and noise pollution and greenhouse gas emissions, and will improve the health and welfare of the region's residents, businesses and visitors and reduce the rise in sea or flood levels that could put at risk the region's homes, businesses, and public facilities. To better protect the community, more restrictive requirements are imposed than those set forth in Codes adopted by California Building Standard Commission.