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 barbeques), 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 25th day of January, 2023, by the following vote to wit:

AYES:	(5)	Anstead, Buckley Weber, Lopez, Sylvester, Wolf
NOES:	(0)	
ABSENT:	(0)	
ABSTAIN:	(0)	

Chris Anstead, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

City of Agoura Hills, California
Incorporated
Dec.
8,
1982
California

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF AGOURA HILLS)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 23-466**, introduced at a regular meeting of the City Council of the City of Agoura Hills held on the 11th day of January, 2023, and, thereafter, adopted by the City Council at a Regular City Council Meeting held on the 25th day of January, 2023, and that said Ordinance was published or posted pursuant to law.

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Kimberly M. Rodrigues, MMC
City Clerk