



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 8, 2015

Subject: Electric Vehicle Charging Stations

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**RECOMMENDATION(S):**

1. OPEN the public hearing on Ordinance No. 2015-22, RECEIVE testimony, and CLOSE the public hearing.
2. ADOPT Ordinance No. 2015-22, amending the 2013 California Green Building Standards Code to establish electric vehicle parking and charging station standards.
3. ADOPT the attached findings in support of the County's changes, additions, and deletions to the 2013 California Green Building Standards Code.
4. DIRECT the Building Inspection Division, pursuant to Health and Safety Code section 17958.7, to send a certified copy of Ordinance No. 2015-22, the attached findings, and this Board Order to the California Building Standards Commission.
5. FIND that adoption of the ordinance is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).
6. DIRECT the Director of Conservation and Development, or his designee, to prepare a

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/08/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 8, 2015

Contact: Jason Crapo  
(925) 674-7722

David Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

CEQA Notice of Exemption and to file the Notice of Exemption with the County Clerk.

**FISCAL IMPACT:**

No fiscal impact.

## BACKGROUND:

### **November 17, 2015 Board of Supervisors Meeting**

At the November 17, 2015 Board of Supervisors meeting, staff provided additional information on the proposed Electric Vehicle Charging Station ("EVCS") requirements for non-residential development. Based on that information, the Board approved exempting small commercial development projects with 10 or fewer off-street parking spaces from the requirements of the ordinance, as recommended by staff.

As required by State Code, staff prepared local findings (Exhibit A) the Board must adopt to justify establishment of building standards that are more restrictive than those in the 2013 Building Standards Code.

### **November 3, 2015 Board of Supervisors Meeting Follow-up**

At the November 3, 2015 Board of Supervisors meeting, staff was given direction to provide additional background and justification for the proposed EVCS requirements for non-residential development and consider exempting small commercial developments. The basis for exempting small commercial projects is both the economic impact on projects and a presumption that such projects may have shorter duration parking needs.

Research of the County's Land Use Permit and Development Plan applications approved or submitted since 2012 showed off-street parking for small commercial businesses varied from 0 to 12 off-street parking spaces. One project with 0 off-street parking spaces was granted a variance for off-street parking. These projects average 8 off-street parking spaces. Removing the project granted a variance, the average number of off-street parking spaces among these small commercial projects is 10. Based on this analysis, exempting projects with 10 or fewer off-street parking spaces would be reasonable. Staff recommends exempting proposed projects with 10 or fewer off-street parking spaces from the requirement to provide EVCS. Duration of typical parking need is not information that is required for proposed projects and was not discernible among the projects that were surveyed. In addition, duration of parking need would change over time for each individual property because different tenants may have different parking needs, which would make EV parking regulations difficult to enforce. Therefore, it would be difficult for the County to base EV charging requirements on duration of parking need.

For commercial projects with more than 10 off-street parking spaces, the proposed EV charging requirements would be based on the California Green Building Code Standards Tier 2 Non-Residential Voluntary Measures, which are measures above the State's minimum requirements that local jurisdictions can adopt voluntarily. The Tier 2 Non-Residential Voluntary Measures were developed by the California Building Standards Commission through a collaborative process that included input from stakeholders in the building industry, local jurisdictions throughout the State, as well as various State departments.

## **November 3, 2015 Board of Supervisors Staff Report**

In May 2015, following a referral from the Board of Supervisors on March 31, 2015, Department of Conservation and Development (“DCD”) staff presented to the Ad Hoc Committee on Sustainability (“Committee”)<sup>1</sup> the new residential and non-residential 2013 California Green Building Standards Code requirements for electric vehicle supply equipment (“EVSE”), which became effective statewide on July 1, 2015. The Committee provided direction to staff for developing local amendments to the 2013 California Green Building Standards Code for County adoption.

At the September 14, 2015 Committee meeting, the Committee required potential amendments, directed staff to draft additional amendments, and approved a recommendation to the Board of Supervisors on the matter. The proposed changes to the state-wide requirements are summarized as follows:

### **Changes for new multi-family buildings:**

- Increase the required number of EVCS to five percent of the total number of parking spaces provided, where three percent is the minimum required in the State Code;
- Require a minimum of one EVCS for every new multi-family building (three or more units) as opposed to State Code which requires no EVCS for multi-family buildings with fewer than 17 units;
- Require that EVSE be installed for each EVCS in addition to the electrical infrastructure required by the State Code.

### **Changes for new non-residential buildings:**

- Increase the required number of EVCS to six percent of total number of parking spaces provided, where three percent is the minimum required in the State Code;
- Required number of EVCS in new construction shall provide fully operational EVSE as opposed to State Code which requires electrical infrastructure only;
- Require a minimum of one EVCS for every parking area associated with a new commercial building as opposed to State Code which requires no EVCS for parking areas of 50 or fewer parking spaces. (Proposed projects with 10 or fewer off-street parking spaces are exempt from the requirement to provide EVCS)

County Counsel reviewed DCD’s draft and prepared a final ordinance to amend the 2013 California Green Building Code Standards Code to establish electric vehicle parking and charging station standards. The final draft is attached (Exhibit B).

After the ordinance is adopted, County Counsel will send a final version of the ordinance to the Office of the Clerk of the Board to arrange for publication in the Contra Costa Times with the names of the supervisors voting for and against it. This must occur within 15 days of adoption. The ordinance will be effective 30 days after it is adopted.

<sup>1</sup>The Ad Hoc Committee on Sustainability is composed of Supervisors John Gioia and Federal D. Glover. Note that Supervisor Glover was not in attendance at the March-September meetings.

CONSEQUENCE OF NEGATIVE ACTION:

Without adopting the proposed local amendments, the County will continue to adhere to the State mandatory standards for electric vehicle infrastructure.

CLERK'S ADDENDUM

***CLOSED the hearing; and ADOPTED Ordinance No. 2015-22, amending the 2013 California Green Building Standards Code to establish electric vehicle parking and charging station standards.***

ATTACHMENTS

Ordinance No. 2015-22

Exhibit B Local Findings