[CalGreen Code Amendments – CLEAN version]

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY COUNCIL OF ENCINITAS, ADOPTING AMENDMENTS TO CHAPTER 23.12 (UNIFORM CODES FOR CONSTRUCTION) OF TITLE 23 (BUILDING AND CONSTRUCTION) OF THE ENCINITAS MUNICIPAL CODE TO MAKE CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS RELATED TO BUILDING DECARBONIZATION, ELECTRIC VEHICLES, WATER CONSERVATION AND ENERGY EFFICIENCY

CASE NUMBER: PLCY-005621-2022; CITYWIDE

SECTION ONE. The City Council of the City of Encinitas hereby finds and declares as follows:

WHEREAS, the City of Encinitas desires to amend Section 23.12.110 of Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the City of Encinitas Municipal Code to implement goals and objectives set forth in the Climate Action Plan for reducing greenhouse gas (GHG) emissions, conserving water and energy, encouraging green buildings, protecting the natural environment, and protecting the health of residents and visitors;

WHEREAS, the California Global Warming Solutions Act of 2006, known as AB 32, established a statewide goal of reducing greenhouse gas emission to 1990 levels by 2020 and to a level 80 percent below 1990 levels by 2050, and directs the California Air Resources Board to develop a strategy to achieve such reductions;

WHEREAS, the State of California Climate Strategy identifies key strategies for addressing climate change that includes increasing renewable energy usage, doubling energy efficiency savings in existing buildings, making heating fuels cleaner, and reducing emissions from transportation;

WHEREAS, California Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020, setting a target of 100 percent of in-state sales of new passenger vehicles will be zero-emission by 2035, as well as ambitious targets for zero-emission medium- and heavy-duty vehicles;

WHEREAS, the State of California recent adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems;

WHEREAS, the City Council of the City of Encinitas adopted CEQA-qualified Climate Action Plan on January 17, 2018, aligning local climate action policies with the State of California Climate Strategy including the adoption strategies and goals to procure grid available electricity from 100 percent renewable energy sources, increase energy efficiency in residential and non-residential buildings, and promote the installation of local renewable energy sources at homes and businesses;

WHEREAS, the City of Encinitas Climate Action Plan found that buildings are the second largest contributor to GHG emissions, accounting for 39 percent of its total emissions in 2012;

WHEREAS, the United Nations Intergovernmental Panel on Climate Change (IPCC) has warned that failure to address the causes of global climate change within the next few years will result in sea level rise, increased frequency of wildland fires, and reduced freshwater resources, which will significantly increase the cost of providing local governmental services and protecting public infrastructure;

WHEREAS, the City Council of the City of Encinitas adopted Resolution No. 2020-90 Declaring a Climate Emergency on December 16, 2020;

WHEREAS, to help achieve the goals set forth under Executive Order N-79-20, the City of Encinitas is amending Chapter 23.12 (Uniform Codes for Construction) Section 23.12.110 (2019 California Green Building Standards Code) in the City of Encinitas Municipal Code to implement State law as adopted by Assembly Bill 1236 on January 1, 2016, in order to achieve timely and cost-effective installations for electric vehicle charging stations in accordance with California Government Code section 65850.7; and

WHEREAS, Section 23.12.110 will facilitate the creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels.

WHEREAS, Chapter 23.12 will promote and encourage the use of electric vehicles in accordance with the City's Climate Action Plan; and

WHEREAS, an increase in local use of electric vehicle charging stations is expected to occur as the number of electric vehicles increases, which is consistent with the City's Climate Action Plan goals to expand alternative fuel infrastructure and increase the percentage of vehicle miles traveled by electric and alternative fuel vehicles; and

WHEREAS, the 2019 California Building Standards Code adopted by the California Building Standards Commission has set minimum Green Building Standards and, within the code, expressly stated that the standards are viewed as "minimal" and that local government entities retain discretion, pursuant to Health and Safety Code Section 17958 to exceed the standards established by the code based on express findings that such changes or modifications are reasonably necessary because of local climatic, topographical, or geological conditions pursuant to Health and Safety Code Section 17985.5, 17958.7, and 18941.5;

WHEREAS, California Green Building Standard Code Section 101.7.1 provides that local climatic, geological, or topographical conditions include environmental conditions established by a city, county, or city and county;

WHEREAS, the local amendments and changes to the California Building Standards Codes are reasonably necessary because of the following climatic, geologic, and topographical conditions:

1. The City has over 6 miles of beaches, several creeks, and other low-lying areas prone to flooding. The City is at risk to coastal storms, erosion, and flooding. There is broad scientific consensus that the earth will continue to warm, and sea levels will rise impacting beaches, roads, properties, infrastructure, and environmentally sensitive areas.

2. The City has experienced increases in annual temperature. Annual temperatures have increased more than 1 degree F in many parts of the state and have exceeded increases of 2 degree F in areas that include the San Diego region. Temperature increases are expected to continue into the future.

3. The City is situated in hilly, coastal and inland terrain. Approximately 50 percent of the City is covered by native vegetation on steep and frequently inaccessible hillsides. The native vegetation consists of highly combustible grasses, dense brush and chaparral, and could pose a wildfire risk. Natural firebreaks in these areas are significantly lacking.

4. The City experiences seasonal climatic conditions during the late summer and fall that can result in frequent Santa Ana weather patterns. Dry, hot, strong, and gusty Santa Ana wind conditions produce extreme dryness and some of the highest wind events in San Diego County, resulting in some of the region's most catastrophic wildfires. These fires impact public health in the populated coastal zone through extreme heat and smoke.

5. The City acts to address environmental conditions that impact public health and welfare. Sustainability and resiliency are core values of the City's General Plan and Climate Action Plan. Energy Efficiency promotes public health and welfare by enhancing the environmental and economic health of the City through green practices in design, construction, maintenance, and operation of new and existing buildings. Construction of energy efficient buildings and installation of renewable energy systems protects the public health and welfare by reducing air pollution, greenhouse gas emissions, average and peak energy demand, and adverse impacts from power outages.

6. Amendments to the California Green Building Standards Code are reasonably necessary to increase use of sustainable energy sources, reduce GHG emissions, promote green development patterns, and maintain a long-term balance between environmental, social, and economic impacts that protect public health and welfare;

WHEREAS, the City Council finds in its independent judgment that the proposed amendment to the Encinitas Municipal Code to adopt State uniform codes is exempt from environmental review as per Section 15378(b)(5) of the CEQA Guidelines since the activity in question is not considered a "project" as defined therein. The action being considered by the City Council is an administrative activity of government that will not result in the direct or indirect physical change in the environment. This action entails adoption of State mandated Building Codes that are enforceable upon the City. Minor amendments will not have a significant effect on the environment because the strengthened requirements reduce hazards and accommodate features to reduced environmental effects. Furthermore, the amendments were previously evaluated in the Final Negative Declaration (ND) for the Climate Action Plan (Case No. 17-224), dated December 5, 2017, and Addendum to the ND (Case No. ENV-004106-2020), dated Oct 20, 2020. The ND and the Addendum evaluated the potential environmental effects of the implementation of the Climate Action Plan including the adoption and enforcement of energy efficiency and renewable energy ordinances. This project is within the scope of the Final Negative Declaration and the Addendum and no further California Environmental Quality Act (CEQA) compliance is required. The City Council therefore finds that there is no possibility that the minor local amendments may have a significant effect on the environment; therefore pursuant to Section 15061(b)(3) of the CEQA Guidelines the activity is exempt from the provisions of CEQA; and

WHEREAS, the City Council of the City of Encinitas seeks to amend Section 23.12.110 of Chapter 23.12 to reflect its Climate Action Plan.

NOW, THEREFORE, the City Council of the City of Encinitas, California, hereby ordains as follows:

SECTION TWO. Ordinance No. 2021-13 amending Section 23.12.110 of Chapter 23.12 of the Encinitas Municipal Code is hereby repealed in its entirety. Section 23.12.110 of Chapter 23.12 of the Encinitas Municipal Code is hereby amended to add, modify or remove the following sections as specified herein:

A. Section 202 DEFINITIONS, is hereby amended to add or modify the following definitions to the 2022 California Green Building Standards Code to read:

All-Electric Building. A building that uses electricity as the source of energy for all its space heating (including but not limited to fireplaces and outdoor heaters), water heating (including but not limited to pools and spas), cooking (including but not limited to barbeques), and clothes drying appliances, and has no Fuel Gas Infrastructure within the building or building property lines for these end uses, except for abandoned Fuel Gas plumbing. An All-Electric Building may include solar thermal collectors.

Fuel Gas. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

Fuel Gas Infrastructure. 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.

Newly Constructed Building (or New Construction) shall have the meaning defined in Title 24, Part 2, Chapter 2, Section 202, as amended.

B. Section 4.504.6 Fuel gas, is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.6 Fuel gas. All Newly Constructed Residential and Hotel/Motel buildings shall be designed and constructed as All-Electric Buildings.

Exception to Section 4.504.6. At the discretion of the Development Services Director or designee, non-residential buildings containing a for-profit restaurant open to the public may be approved for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include: barbeque-themed restaurants, woks, and pizza ovens. The Development Services Director or designee shall grant this exception if they find the following:

1. There is a business-related reason to cook with a flame.
2. This need cannot be reasonably achieved with an electric fuel source.
3. The applicant has employed methods to mitigate the greenhouse gas impacts of the gas fueled appliance based on reducing on site energy use that is equal to or greater than the expected annual GHG emissions from the therms consumed

onsite based on new natural gas service request from the utility and equipment installed.

Note: GHG emissions mitigation can include energy efficiency, onsite renewable generation, electric vehicle service equipment, or other action to reduce GHG emissions from the building;

4. The applicant shall comply with the pre-wiring provision of Note 1 below.

Note 1: If natural gas appliances are used under the exception above, natural gas appliance locations shall also be Electric-Ready for future electric appliance installation. Electric-Ready shall be specified in the Design Guidelines for Electric-Ready Buildings published by Development Services.

Note 2: Where the exception is granted, the applicant is prohibited from completing any natural gas or propane plumbing rough work or stub out for any appliance or end-use that is required to be electric.

Note 3: If the exception is granted, the Development Services Director or designee shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code, Part 2, Section 104.

C. Section 5.509 Fuel gas, is hereby added to the 2022 California Green Building Standards Code to read:

Section 5.509 Fuel gas. All Newly Constructed nonresidential buildings shall be designed and constructed as All-Electric Buildings.

Exception 1 to Section 5.509. “Essential Facilities” as defined by California Health & Safety Code § 16007 built to the standards required by the Essential Services Buildings Seismic Safety Act of 1986 (California Health & Safety Code§§ 16000-16023) and Title 24, Part 1, Chapter 4 are exempt from the all-electric requirements if it is necessary to meet the requirements of other permitting agencies or is demonstrated to be necessary for the purpose of protecting public health, safety, and welfare. "Essential Facilities" as defined by the California Building Code Part 2 Section 202 are included in the definition of "essential services building".

Exception 2 to Section 5.509. At the discretion of the Development Services Director or designee, non-residential buildings containing a for-profit restaurant open to the public may be approved for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include: barbeque-themed restaurants, woks, and pizza ovens. The Development Services Director or designee shall grant this exception if they find the following:

1. There is a business-related reason to cook with a flame.
2. This need cannot be reasonably achieved with an electric fuel source.
3. The applicant has employed methods to mitigate the greenhouse gas impacts of the gas fueled appliance based on reducing on site energy use

that is equal to or greater than the expected annual GHG emissions from the therms consumed onsite based on new natural gas service request from the utility and equipment installed.

Note: GHG emissions mitigation can include energy efficiency, onsite renewable generation, electric vehicle service equipment, or other action to reduce GHG emissions from the building;

4. The applicant shall comply with the pre-wiring provision of Note 1 below.

Note 1: If natural gas appliances are used in any of the above exceptions 1-2, natural gas appliance locations shall also be Electric-Ready for future electric appliance installation. Electric-Ready shall be specified in the Design Guidelines for Electric-Ready Buildings published by Development Services.

Note 2: Where any of the exceptions 1-2 are granted, the applicant is prohibited from completing any natural gas or propane plumbing rough work or stub out for any appliance or end-use that is required to be electric.

Note 3: If any of the exceptions 1-2 are granted, the Development Services Director or designee shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code, Part 2, Section 104.

D. Section 4.304.2 Graywater Systems is hereby added to the 2022 California Green Building Standards Code to read:

4.304.2 Graywater systems. Newly Constructed single-family dwelling units shall be pre-plumbed for a graywater system permitted and constructed in accordance with Chapter 15 of the California Plumbing Code and including a connection to a convenient location for integration of the graywater system with landscape irrigation systems and accepting graywater from all sources permissible in conformance with the definition of graywater as per Section 14876 of the California Water Code.

Exception:

A graywater system shall not be permitted where a qualified soils engineer determines in a written, stamped report, or a percolation test shows, that the absorption capacity of the soil at the project site is unable to accommodate the discharge of a graywater irrigation system.

E. This section covers Electric Vehicle Service Equipment requirements and includes the following sections:

A4.106.8 Electric vehicle charging for new construction.

A4.106.8.1 Electric vehicle charging for new one- and two-family dwellings and townhouses with attached private garages.

4.106.4.4 Electric vehicle charging for newly constructed multifamily buildings.

5.106.5.3.2.1 Additional electric vehicle charging equipment (EVCE) requirements for nonresidential buildings.

Section 102.4: Electric vehicle service equipment streamlined permitting for AB 1236 compliance.

The first paragraph of Section A4.106.8 and the entirety of Section A4.106.8.1 are hereby added as amended to the 2022 California Green Building Standards Code to read:

A4.106.8 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections A4.106.8.1 to facilitate future installation and use of electric vehicle chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

A4.106.8.1 Electric vehicle charging for new one- and two-family dwellings and townhouses with attached private garages.

Tier 1 and Tier 2. For each dwelling unit a dedicated 208/240-volt branch circuit shall be installed in the raceway required by Section 4.106.4.1. The branch circuit and associated overcurrent protective device shall be rated to 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.

A4.106.8.1.1 Identification. The service panel or subpanel circuit director 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”.

Section 4.106.4.4 EV Chargers, is hereby added to the 2022 California Green Building Standards Code Section 4.106.4 to read:

4.106.4.4 Electric vehicle charging for newly constructed multifamily and hotel/motel buildings. At least 15 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces). For any new hotel or motel project, or for any alteration or addition to a hotel, or motel that requires a building permit with square footage larger than 10,000 square feet as determined by the City of Encinitas Building Division, at least eight (8) percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces). Each such space shall be equipped, at a minimum, with fully operational Level 2 Electric Vehicle Supply Equipment (EVSE). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. These requirements shall apply to mixed occupancy buildings as specified in Section 302.

4.106.4.4.2 Technical requirements. The EV spaces required by Section 4.106.4.4 shall be designed and constructed in accordance with Sections 4.106.4.2.2.1.1, 4.106.2.2.1.2, 4.106.2.2.1.3.4.

Exceptions:

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. Where there is no local utility power supply or the local utility is unable to supply adequate power.

2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4.4, may adversely impact the construction cost of the project.
3. Or other conditions as determined by the City

Section 5.106.5.3.2.1 Additional Electric Vehicle Charger Requirements for Nonresidential Buildings, is hereby added to the 2022 California Green Building Standards Code Section to read:

5.106.5.3.2.1 Additional electric vehicle charging station requirements for nonresidential buildings.

1. The total number of parking spaces provided with electric vehicle supply equipment (EVSE) required under Section 5.106.5.3.2 shall be at least eight (8) percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. All EVSE and EV spaces shall be made available to all employees and patrons of the property.
2. For any nonresidential alteration or addition that requires a building permit with square footage larger than 10,000 sq. ft. as determined by the City of Encinitas Building Division, at least eight (8) percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces). Each such space shall be equipped with, at a minimum, fully operational Level 2 electric vehicle supply equipment (EVSE). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. All EVSE and EV spaces shall be made available to all employees and patrons of the property in the same manner as other parking spaces. Refer to Sections 5.106.5.3.2 and 5.106.5.3.3 for design requirements.
3. These requirements shall apply to mixed occupancy buildings as specified in Section 302.

Exceptions:

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. Where there is no local utility power supply or the local utility is unable to supply adequate power.
2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3.2.1, may adversely impact the construction cost of the project.
3. Or other conditions as determined by the City

Section 102.4, Electric Vehicle Charging Station Streamlined Permitting/ AB 1236 and AB 790 Compliance, is hereby added to the 2022 California Green Building Standards Code Section to read:

Section 102.4: **Electric vehicle service equipment streamlined permitting for AB 1236 and AB 970 compliance.**

102.4.1 Purpose. The purpose of this amendment is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter is also purposed to comply with California Government Code Sections 65850.7 and 65850.71, as modified.

102.4.2 Definitions. The following definitions shall apply to Section 102.4:

Electric Vehicle Charging Station or **Charging Station**. Any level of electric vehicle supply equipment station that is designed and built-in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

Checklist. The submittal checklist required by the City of Encinitas to be submitted with the permit application for an electric vehicle charging station to demonstrate compliance.

Specific, Adverse Impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Electronic submittal. Submittal through the City's Customer Self Service Portal.

Feasible Method. A method to satisfactorily mitigate or avoid a specific, adverse impact including, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit.

102.4.3 Permit Application Processing. Section 102.4 applies to the permitting of all electric vehicle charging stations in the City of Encinitas.

A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

B. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City adopted checklist and is consistent

with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7 and Section 65850.71, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

C. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

102.4.4 Permit Application and Submittal Requirements.

A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.

B. All documents required for the submission of an electric vehicle charging station application are available on the city website, including a checklist of submittal requirements for expedited review. Unless otherwise specified, the checklist shall be the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook".

C. Along with the Checklist, the applicant shall submit a site plan, accessibility details, and associated electrical plans as part of their submittal to the City.

D. Electronic submittal of the required permit application and documents shall be made available to all electric vehicle charging station permit applicants. The permit application and associated documentation may be submitted to the Building Division by electronic submittal together with required permit processing and inspection fees. Electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.

E. Should this chapter conflict with any permit processing requirements specified in any other chapter of the Encinitas Municipal Code, this chapter shall take precedence.

102.4.5 Permit Review and Issuance.

A. The Development Services Department shall implement an administrative, nondiscretionary review process to expedite approval of electric vehicle charging stations.

B. A permit application that satisfies the information requirements in the city's Checklist shall be deemed complete and be promptly processed per Government Code Section 6580.71.

C. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

D. Upon confirmation by the Building Official that the permit application and supporting documents meets the Checklist and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7 and Section 65850.71, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until final inspection approval is granted by the City.

102.4.6 Technical Review.

A. It is the intent of this code to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations.

B. In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an Association, as that term is defined by Civil Code Section 4080.

102.4.7 Electric Vehicle Charging Station Installation Requirements.

A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

E. If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing

uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

F. Section A5.213 Energy Efficient Steel Framing, is hereby added to the 2022 California Green Building Standards Code to read:

A5.213.1 Steel framing. Design steel framing for maximum energy efficiency. Techniques for avoiding thermal bridging in the envelope include:

1. Exterior rigid insulation;
2. Punching large holes in the stud web without affecting the structural integrity of the stud;
3. Spacing the studs as far as possible while maintaining the structural integrity of the structure; and
4. Detailed design of intersections of wall openings and building intersections of floors, walls and roofs.

G. **Applicability:** These requirements apply to all building permit applications filed on or after January 1, 2023 or the effective date, whichever is later. On or after August 2, 2022 and until December 31, 2022, or the effective date of this ordinance, whichever is later, the requirements adopted by Ordinance No. 2021-13 shall apply.

SECTION THREE. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION FOUR. PUBLIC NOTICE AND EFFECTIVE DATE.

The City Clerk is directed to prepare and have published a summary of the Ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast.

This ordinance shall take effect and be in force on January 1, 2023, or the 30th day after adoption and following filing with the California Building Standards Commission, whichever is later. The City Clerk of City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code Section 26933 utilizing the Coast News, a newspaper of general circulation published in the City of Encinitas.

SECTION FIVE: INTRODUCTION AND ADOPTION.

This Ordinance was introduced at a regular meeting of the City Council held on _____.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the ____ day of _____.

_____
Catherine S. Blakespear, Mayor

ATTEST:

_____
Kathy Hollywood, City Clerk

APPROVED AS TO FORM

_____
Tarquin Preziosi, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the __ day of _____, 2022 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the ____ of _____, 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this _____ day of _____, 2022.

_____
Kathy Hollywood, City Clerk