AGENDA REPORT
City Council

MEETING DATE:	October 12, 2022		
PREPARED BY:	Crystal Najera, Sustainability Manager Katie Innes Principal Planner	**DIRECTOR:**	Roy Sapa'u
DEPARTMENT:	Development Services	**CITY MANAGER:**	Pamela Antil

SUBJECT:

Public Hearing to review and consider the introduction of City Council Ordinance Nos. 2022-12, 2022-13, and 2022-14:

- Ordinance No. 2022-12 adopts the 2022 California Building Standards Code, 2021 International Fire Code, and 2022 California Fire Code as required by law, which will take effect on January 1, 2023 (Attachments 1 (clean) and 4 (redline));
- Ordinance No. 2022-13 proposes Municipal Code amendments, which modify the 2022 California Building Standards Code related to energy efficiency and solar energy to continue implementation of building-related measures in the Encinitas Climate Action Plan (Attachment 2 (clean), 5 (local redline), and 7 (state redline)); and
- Ordinance No. 2022-14 adopts the California Green Building Standards Code (CALGreen code) with specific City amendments related to building decarbonization, electric vehicles, water conservation and energy efficiency, to continue implementation of building-related measures in the Encinitas Climate Action Plan and incorporate electric vehicle supply equipment permit streamlining requirements as required by Government Code Section 65850.7 (Attachment 3 (clean), 6 (local redline), and 8 (state redline)).

CASE NUMBERS: PLCY-005614-2022, PLCY-005615-2022, and PLCY-005621-2022.
LOCATION: Citywide.

RECOMMENDED ACTIONS:

1. Introduce City Council Ordinance No. 2022-12, titled "An Ordinance of the City Council of the City of Encinitas, California adopting amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) and to Chapter 10.04 (2018 International Fire Code and 2019 California Fire Code) of Title 10 (Fire Prevention) of the Encinitas Municipal Code to adopt the 2022 California Building Standards Code and the 2022 International Fire Code and 2022 California Fire Code with Certain amendments, additions, and deletions;"

2. Introduce City Council Ordinance No. 2022-13, titled "An Ordinance of the City Council of the City 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 energy efficiency and solar energy;" and

3. Introduce City Council Ordinance No. 2022-14, titled "An Ordinance of the City Council of the City 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."

STRATEGIC PLAN AND WORK PROGRAM:

The adoption of Ordinance Nos. 2022-12, 2022-13, and 2022-14 relate to the Community Planning Focus Area of the City's Strategic Plan by maintaining the most current building safety standards. The adoption of Ordinance Nos. 2022-13 and 2022-14 relate to the Environment Focus Area of the City's Strategic Plan.

FISCAL CONSIDERATIONS:

There is no direct fiscal impact associated with the staff recommendation. Costs associated with administering the ordinances will be recovered through plan check, permitting, and inspection fees currently in effect. No fee modifications are proposed.

BACKGROUND:

Building and Fire Codes

The California Building Standards Commission (CBSC) is the State agency responsible for establishing and updating the building and fire standards and codes for new construction in the state, known as the California Title 24 Building Standards Code, the International Fire Code, and the California Fire Code and hereinafter referred to as the "Building Code" and the "Fire Codes," respectively. Updates to the Building and Fire Codes are completed by the CBSC on a triennial cycle. The California Health and Safety Code requires that each jurisdiction in the state adopt the most recent edition of the Building Code and Fire Codes. If it is not adopted by a jurisdiction, it has the force of law 180 days after publication. This year, the updated Building Code and Fire Codes were published on July 1, 2022. The 2022 Building Code includes the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and California Referenced Standards Code.

The City Council previously adopted the 2019 Edition of the Building Code and Fire Codes on November 13, 2019. The action before the City Council is to adopt the recently published 2022 Building Code and Fire Codes, with certain amendments, additions, and deletions, which will be enforced pursuant to state law beginning January 1, 2023. The 2022 Building Code and Fire Codes can be accessed at the following link: https://www.dgs.ca.gov/BSC/Codes.

The state allows local amendments (commonly called "reach codes") to the proposed Building and Fire Codes when findings can be made to support that the locally unique topographical, geological, and climatic conditions necessitate the amendments. In no circumstances can a local amendment be less restrictive than the state adopted codes. The following sections describe the "reach codes" previously adopted by City Council relating to California Title 24, Part 6, Energy Code and Part 11, Green Building (CALGreen) Code, hereinafter referred to as the "Energy Code" and the "Green Building Code," respectively. These regulations are required to be re-adopted concurrent with the Building Code in order to remain in effect.

Current Reach Codes for Electric Vehicle Charging and Graywater

The City's Climate Action Plan (CAP), adopted by the City Council on January 17, 2018, called for the adoption of regulations requiring installation of electric vehicle charging stations on certain commercial and residential properties seeking building permits, effectively "reach codes." On November 13, 2019, Ordinance No. 2019-22 was adopted by City Council which enacted these requirements. Ordinance No. 2019-22 also re-enacted the City's graywater requirements which had been previously approved by the City Council in 2015. The action before City Council is to re-adopt these requirements, with certain amendments, additions, and deletions, in order to maintain their effectiveness.

Current Reach Codes for Green Building

On November 18, 2020, City Council approved an interim update to the Climate Action Plan which included the following updated building-related measures which exceed state Building Code minimum standards:

BE-1: Adopt a Residential Energy Efficiency Ordinance
BE-2: Require Decarbonization of New Residential Buildings
BE-3: Adopt Higher Energy Efficiency Standards for Commercial Buildings
BE-4: Require Decarbonization of New Commercial Buildings
RE-3: Require Commercial Buildings to Install Solar Photovoltaic Systems

Following cost effective analysis and public outreach, on October 27, 2021, City Council adopted Ordinance No. 2021-13 which enacted these CAP measures as Encinitas "reach codes" and added these new building requirements into the Encinitas Municipal Code. The action before City Council is to re-adopt these requirements, with certain amendments, additions, and deletions, in order to maintain their effectiveness.

Assembly Bill (AB) 1236 and AB 970 Electric Vehicle Service Equipment Permit Streamlining

The state legislature has made it a priority to encourage zero-emission vehicles and to enhance the necessary infrastructure to make their use more convenient. AB 1236, which added Section 65850.7 to the Government Code, requires that local jurisdictions adopt an ordinance allowing a streamlined permit process for the installation of electric vehicle service equipment (EVSE), including charging stations. AB 970, which added Section 65850.71 to the Government Code, builds on AB 1236 and requires jurisdictions to limit EVSE project review to health and safety requirements. AB 970 also establishes specific binding timelines to the permit review period based on the size of the project and clarifies that EVSE charging stations shall be permitted regardless of parking requirements. Ordinance No. 2022-14 includes the addition of EVSE permit streamlining allowances and regulations in compliance with AB 1236 and AB 970.

ANALYSIS:

The following sections summarize the major proposed amendments, additions, and deletions to the Building Code, Fire Codes, Energy Code, and Green Building Code that are defined in Ordinance Nos. 2022-12, 2022-13, and 2022-14.

Building and Fire Codes (Ordinance No. 2022-12)

Proposed Ordinance No. 2022-12 would update the Encinitas Municipal Code to adopt the current state-mandated 2022 Building and Fire Codes. The following amendments are proposed pursuant to the City's locally unique topographical, geological and climatic conditions.

Chapter 1, Section 113 of the Building Code is modified to designate a separate body appointed

by the City Council to act as the board of appeals, instead of the City Council itself acting in that role. Members of the board of appeals would include four (4) local Certified Building Officials, five (5) licensed California design professionals, and one (1) accessibility advocate appointed by the City Council. The board's authority would be limited to interpretation of the code. The board would not have the authority to waive requirements of the code or interpret the administration of the code (i.e., issuance of permits).

Chapter 2, Section 202 of the Building Code is revised to add definitions for "Closet", "Enclosed Space", and "Newly Constructed Building". These definitions are needed for clarity in determining what regulations apply to certain building permits. In particular, the "Newly Constructed Building" definition defines when an addition or renovation to an existing building would be considered new construction.

Chapter 2, Section 202 of the Fire Code is modified to add a revised definition of "Mid-Rise Building."

Section 503.6 of the Fire Code is revised to add an updated version of the Security Gate access requirements for emergency access.

All proposed amendments are shown in Attachment 4. ~~Red strike-through~~ font indicates deletions, while red underlined font indicates additions. A clean copy of the draft ordinance is also attached herein as Attachment 1.

Energy Reach Code (Ordinance No. 2022-13)

Proposed Ordinance No. 2022-13 would update the Encinitas Municipal Code to adopt an amended version of the Energy Code that includes advanced local energy efficiency and solar photovoltaic requirements pursuant to the City's locally unique topographical and climatic conditions. The following modifications are proposed to ensure the local code is consistent with the 2022 State Energy Code yet retains the "reach codes" adopted by the City Council in Ordinance No. 2021-13.

Solar Photovoltaic

The proposed code removes the previously added solar photovoltaic requirements for new nonresidential buildings because these requirements are now included in the 2022 CA Energy Code. The proposed code bifurcates multifamily and nonresidential solar photovoltaic requirements to be consistent with the format of the 2022 CA Energy Code. The proposed code deletes the Time Dependent Valuation (TDV) compliance option for nonresidential buildings due to infeasibility. The previous TDV calculation option was determined to exceed state's maximum solar allowances for individual buildings. The Gross Floor Area calculation option remains in the code. Finally, the proposed local code now allows new and existing nonresidential buildings to optionally comply with solar photovoltaic requirements by meeting Section 140.10(a) in the 2022 CA Energy Code to the extent possible.

Energy Efficiency

To be consistent with the format of the 2022 CA Energy Code, the proposed energy efficiency portion of the local code bifurcates existing multifamily and nonresidential solar photovoltaic requirements into their own sections. The proposed local code now offers additional measures to comply with the energy efficiency requirements for existing residential and multifamily buildings which provides applicants with more choices. Additionally, some minor modifications were made to the energy efficiency requirements, consistent with the City's CAP, as follows:

- Added photocells to lighting package option.

- Requires verification of duct sealing to be completed no more than three (3) years prior to the project.
- Amends the cool roof requirements to include low-slope roofs, consistent with 2022 CA Energy Code requirements.
- Extends air sealing requirement option from the attic to the whole house and adds the requirements for a combustion appliance safety test to the air sealing measure (Multifamily only).
- Amends the attic insulation requirement to accept existing R-19 insulation (previously accepted R-5) (Multifamily only).

Finally, the energy efficiency requirements for existing nonresidential buildings were removed from the local code because the 2022 CA Energy Code now requires advanced energy efficiency measures for existing nonresidential buildings statewide. Additional energy efficiency measures for existing nonresidential buildings consistent with the City's CAP could not be included because they were not found to be cost effective.

All-Electric
The all-electric requirements for new residential and nonresidential buildings were moved to the Green Building Code to be consistent with the approval processes of the California Building Standards Commission and the California Energy Commission.

All proposed amendments are shown in Attachments 5. ~~Red strike-through~~ font indicates deletions, while red underlined font indicates additions. A clean copy of the draft ordinance is also attached herein as Attachments 2.

Green Building Reach Code (Ordinance 2022-14)

Proposed Ordinance No. 2022-14 would update the Encinitas Municipal Code to adopt an amended version of the Green Building Code that includes advanced local all-electric, electric vehicle charging, and graywater codes pursuant to the City's locally unique topographical and climatic conditions. The following modifications are proposed to ensure the local code is consistent with the 2022 CA Green Building Code yet retains the "reach codes" adopted by City Council in Ordinance No. 2021-13 to the extent possible.

All-Electric
The all-electric requirements for new residential and nonresidential buildings were moved from the Energy Code to the Green Building Code to be consistent with the approval processes of the California Building Standards Commission and the California Energy Commission. The definition of an "All-Electric Building" was updated to make it clearer and more consistent with other cities' definitions. The definition now specifies the end uses that shall be electric, including space heating, water heating, cooking, and clothes drying. The definition now references "Fuel Gas" to make it clear that fixed propane is also not permitted in an all-electric building.

A reference to the new definition of Newly Constructed Building was added, as defined in the amendment to Chapter 2 of the Building Code. The Newly Constructed Building definition defines when an addition or renovation to an existing building would be considered new construction. This reference is needed to specify when the all-electric regulations apply to certain building permits.

Exception 3 for Utility Service Costs was removed due to infeasibility of implementation. In practice, it was found that project-specific cost estimates for utility-side upgrades cannot be obtained by an applicant or the City, therefore rendering this exception ineffectual.

Equipment specifications were removed because they are provided in the 2022 CA Building Code, Section 110.

Electric Vehicle Charging Equipment
By reference, the exceptions to electric vehicle charging requirements for residential buildings were updated to be consistent with the mandatory section of the 2022 CA Green Building Code which allows exceptions for Accessory Dwelling Units and Junior Accessory Dwelling Units. Minor revisions to the exceptions for multifamily and nonresidential building types were also made to be consistent with the 2022 CA Green Building Code. The electric vehicle charging station installation requirements for multifamily and nonresidential were preserved and would be required in addition to the increased EV Capable and EV Ready requirements newly added to the 2022 CA Green Building Code.

Electric Vehicle Charging Station Permit Streamlining
Section 102.4 was added to the Green Building Code, as mandated by AB 1236 and AB 970, to require streamlined permitting of Electric Vehicle Service Equipment (EVSE), including charging stations.

All proposed amendments are shown in Attachments 6. ~~Red strike-through~~ font indicates deletions, while red underlined font indicates additions. A clean copy of the draft ordinance is also attached herein as Attachments 3.

ENVIRONMENTAL CONSIDERATIONS:

The adoption of Ordinance No. 2022-12 is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060 (c)(2) and 15060 (c)(3) of the CEQA Guidelines. The action to adopt the ordinance, in and of itself, would not result in a physical change in the environment, either directly or indirectly. In addition, adoption of the ordinance is not a project as defined in Section 15378 of the CEQA Guidelines. Even if the adoption of the ordinance was subject to CEQA, the activity would be exempt from CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the activity would have a significant effect on the environment.

The adoption of Ordinance Nos. 2022-13 and 2022-14 was 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.

This item is related to the Climate Action Plan.

ATTACHMENTS:

1. **Clean** version of Ordinance **No. 2022-12**, titled “An Ordinance of the City Council of the City Of Encinitas, California adopting amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) and to Chapter 10.04 (2018 International Fire Code and 2019 California Fire Code) of Title 10 (Fire Prevention) of the Encinitas Municipal Code to adopt the 2022 California Building Standards Code and the 2021 International Fire Code and 2022 California Fire Code with Certain amendments, additions, and deletions.”
2. **Clean** version of City Council Ordinance **No. 2022-13**, titled “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 energy efficiency and solar energy.”

3. **Clean** version of City Council Ordinance **No. 2022-14**, titled “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.”
4. **Redline** version of Ordinance **No. 2022-12**, titled “An Ordinance of the City Council of the City Of Encinitas, California adopting amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) and to Chapter 10.04 (2018 International Fire Code and 2019 California Fire Code) of Title 10 (Fire Prevention) of the Encinitas Municipal Code to adopt the 2022 California Building Standards Code and the 2021 International Fire Code and 2022 California Fire Code with Certain amendments, additions, and deletions.”
5. **Redline** version of City Council Ordinance **No. 2022-13**, titled “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 with certain amendments, additions, and deletions related to energy efficiency and solar energy.”
6. **Redline** version of City Council Ordinance **No. 2022-14**, titled “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.”
7. **Redline** amendments to the 2022 Title 24 California Building Standards Code, Part 6, **Energy Code** for filing with the California Building Standards Commission.
8. **Redline** amendments to the 2022 Title 24 California Building Standards Code, Part 11, **Green Building (CALGreen) Code** for filing with the California Building Standards Commission.
9. Summary of Energy and Green Building Code Changes in Accordance with 2022 CA Title 24 Building Code

[Building Code 2022 Update – CLEAN version.]

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA ADOPTING AMENDMENTS TO CHAPTER 23.12 (UNIFORM CODES FOR CONSTRUCTION) OF TITLE 23 (BUILDING AND CONSTRUCTION) AND TO CHAPTER 10.04 (2018 INTERNATIONAL FIRE CODE AND 2019 CALIFORNIA FIRE CODE) OF TITLE 10 (FIRE PREVENTION) OF THE ENCINITAS MUNICIPAL CODE TO ADOPT THE 2022 CALIFORNIA BUILDING STANDARDS CODE AND THE 2022 INTERNATIONAL FIRE CODE AND 2022 CALIFORNIA FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

CASE NUMBER: PLCY-005614-2022; CITYWIDE

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

WHEREAS, The California Building Standards Commission published the 2022 Building Standards Code on July 1, 2022;

WHEREAS, California Health and Safety Code requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication;

WHEREAS, if the California Buildings Standards Code is not adopted by a jurisdiction, it has the force and effect of law 180 days after publication;

WHEREAS, the State allows local amendments when findings can be made that the proposed code changes are necessary to address locally unique topographical and climatic conditions, so long as the local amendments are no less restrictive than the State code;

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 is situated in hilly, coastal and inland terrain. Approximately 50 percent of the area is “wildland” for fire purposes, covered by native vegetation on steep and frequently inaccessible hillsides. The native vegetation consists of highly combustible grasses, dense brush, and chaparral. Natural firebreaks in these areas are significantly lacking.

2. The City’s climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fires as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75- and 90-degrees Fahrenheit are common during the year.

3. The potential for fire damage is great in the wildland area. As such, a fire can spread rapidly, and hilly terrain, and combustible vegetation can slow response time.

4. Rural roads include many narrow winding roadways, often with grades in excess of that necessary for optimal response time for large fire apparatus. An additional factor affecting response time is the distance between fire stations and the fire location.

5. The water supply is limited making it necessary for fire apparatus to travel time-consuming distances to refill once their initial water supply has been utilized.

6. As a result of prolonged drought, exacerbated by climate change, water supplies from imported sources are reduced and local water suppliers have been directed to achieve significant reductions in potable water use, while population and economic growth are expected to increase demand for water. Requiring plumbing for graywater stub out in new residential development facilitates the use of graywater for irrigation, which in turn helps address drought-related water supply impacts.

7. As a result of high summer ambient temperatures and periods of heat waves, the average load demand and peak load demand of energy used in San Diego County is an important factor concerning the public safety, as well as the adverse economic impacts of power outages or reductions. Facilitating the installation of an electric panel large enough for future photovoltaic and/or electric vehicle charging system, installation of conduit for future photovoltaic and electric vehicle charging system, and reserving south facing roofs for future solar, will have local and regional benefits in reduction of total and peak energy use and greenhouse gas emissions.

WHEREAS, Chapter 10.04 of the City of Encinitas Municipal Code is the Encinitas Fire Code, which adopts by reference the International Fire Code and the California Fire Code;

WHEREAS, Chapter 10.04 currently adopts by reference the 2021 version of the International Fire Code and the 2022 version of the California Fire Code;

WHEREAS, there is a need to replace Chapter 10.04 because the State of California ("State"), pursuant to Health & Safety Code section 17922, has recently adopted the 2021 version of the International Fire Code and the 2022 version of the California Fire Code (together, the "Fire Code");

WHEREAS, Health & Safety Code section 17958 mandates that cities such as the City of Encinitas shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code section 17922;

WHEREAS, Health & Safety Code section 17958.5 permits the City of Encinitas to make such changes or modifications to the Fire Code as are reasonably necessary because of local conditions or circumstances;

WHEREAS, Health & Safety Code section 17958.7 requires that, before making any changes or modifications pursuant to section 17958.7, the City of Encinitas make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions;

WHEREAS, the City of Encinitas does herewith find that it has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services, as set forth in greater detail in the "Findings for the Fire Code" section of Exhibit A (the "Findings");

WHEREAS, the Fire Code, together with the City of Encinitas amendments, shall be City of Encinitas Fire Code for the purpose of prescribing regulations in the territory of the County of San Diego and the City of Encinitas;

WHEREAS, the City of Encinitas finds that the modifications and changes to the Fire Code are reasonably necessary because of the local climatic, geological, and topographical conditions reflected in the Findings and serve to mitigate to the extent possible said deleterious effects;

WHEREAS, code amendments adopted by the State in the 2022 version of the California Fire Code shall take precedence over language in the 2021 version of the International Fire Code, while the 2021 version of the International Fire Code language shall be used for those code sections not adopted by the State in the 2022 version of the California Fire Code;

WHEREAS, local amendments adopted by the City of Encinitas shall take precedence over the Fire Code;

WHEREAS, sections 50022.1 through 50022.10 of the Government code and Section 13869 of the Health & Safety Code provide authority for the adoption by reference of codes, or portion of such codes; and

WHEREAS, The City finds that the proposed amendments to the Encinitas Municipal Code, to adopt State uniform codes, is exempt from environmental review as per Section 15378(b)(5) of the California Environmental Quality Act (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 managed 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 reduce environmental effects. The City finds that the minor local amendments will not 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.

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

SECTION TWO. Chapter 23.12 of the Encinitas Municipal Code is hereby amended by repealing it in its entirety, and adopting a new Section 23.12 to read as follows:

Chapter 23.12 UNIFORM CODES FOR CONSTRUCTION

23.12.010 Purpose.

Any person, firm, or corporation that proposes to construct a project subject to the provisions of this Code shall first obtain permits required herein, together with any other licenses, permits, or approvals required by this Code.

23.12.020 Adoption of the 2022 California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

The California Administrative Code, 2022 Edition, is adopted and hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

23.12.030 Adoption of the 2022 California Building Code, Part 2, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City Building Code for the purpose of prescribing regulations in the City of Encinitas for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2022 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq., based on the International Building Code, 2021Edition, including specified appendices. Except as otherwise provided by the City of Encinitas Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the City of Encinitas shall be in conformance with the California Building Code which is based on the International Building Code, 2021 Edition and the adopted appendix chapters, published by the International Code Council, Inc. 500 New Jersey Avenue, NW, 6th Floor Washington, D.C. 20001

B. Deletions, revisions and additions to the California Building Code, 2022 Edition, shall be as follows:

1. Section 101.1 is hereby revised to read:

   101.1 Title. These regulations shall be known as the Building Code of the City of Encinitas, hereinafter referred to as "this code."

2. Section 105.3.1.1 is hereby added to read:

   105.3.1.1 Action on application with grading permit or public improvements. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements is required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

3. Section 105.3.1.2 is hereby added to read:

   105.3.1.2 Action on application with flooding or geologic conditions. Permits shall not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

4. Section 109.1.1 is hereby added to read:

   109.1.1 No fees for specific governmental organizations. The United States, the State of California, school districts, the County of San Diego, or the City shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City building inspection services are requested. If so requested, the regular fee schedules in this Code shall apply.

5. Section 109.2 is hereby revised to read:

   109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established by the City Council of the City of Encinitas.

6. Section 109.6 is hereby revised to read:

   109.6 Refunds. Refunds of fees paid shall in accordance with the refund policy adopted by the City Council of the City of Encinitas.

7. Section 113 is modified by amending sections 113.2 and 113.3 to read:

   Section 113.2 Limitations on Authority. The application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have the authority to waive requirement of this code or interpret the administration of this code, including, but not limited, the issuance of permits hereunder.

   Section 113.3.1 Qualifications. The board of appeals shall consist of four (4) currently employed Certified Building Officials, five (5) currently licensed California design professionals employed and/or residing in San Diego County, and one (1) accessibility advocate residing in San Diego County, who are not employees of the City of Encinitas.

   Section 113.3.2 Selection. The board of appeals shall consist of volunteers who shall receive no compensation other than reimbursement of costs related to participation on the board such as travel expenses. A list of volunteers shall be kept on file by the City Clerk and updated on an annual basis. Selection of members shall be made either at the time of the filing of an appeal or may be appointed on a standing basis by the City Council.

   Section 113.3.3 Quorum. A quorum of 6 members is required to act on an appeal. The Building Official and the Fire Marshal for the City of Encinitas shall participate as ex-officio non-members and shall not vote.

8. Section 202 is hereby revised to add and/ or modify the following definitions:

   Closet. A small room used for storage that is structurally built and integrated into the walls of the bedroom. A minimum 2-feet in depth and 10-square feet in total floor area.

   Enclosed Space. A space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground

   Newly Constructed Building. A building that has never before been used or occupied for any purpose; an existing structure that is removed and replaced; or modified/ renovated in a manner that causes any of the following conditions to occur is considered a newly constructed building for the purpose of this definition:

   1.a. More than 50% of the roof framing (e.g., structural support) is removed, and
   1.b. More than 50% of the exterior bearing walls are removed or 50% of the columns are removed, where there are no walls, or

   2. The proposed conditioned area in an addition or alteration that more than doubles that of the existing building's conditioned floor area or volume.

The wall calculations are based on the horizontal measurement of the affected portion of the exterior bearing walls between the associated footings and the ceilings. Cripple walls below the floor, or parapets, and similar projections above the roof are not included in the calculations of the exterior wall surface areas.

This definition applies to low-rise residential buildings (including single-family residential (SFR) and duplexes), multi-family residential, and nonresidential building uses.

9. Table 1505.1 is hereby amended to read:

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

10. Appendices C & I of the California Building Code, 2022 Edition, are adopted.

23.12.040 Adoption of the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City Residential Code for the purpose of prescribing regulations in the City of Encinitas for construction, alteration, enlargement or repair of detached one- and two-family dwellings, townhouses not more than three stories above grade plane with a separate means of egress and structures accessory thereto, the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the International Residential Code, 2021 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, the erection, construction, enlargement, alteration or use and occupancy of one- and two-family dwellings, townhouses not more than three stories above grade plane and structures accessory thereto within the City of Encinitas shall be in conformance with the 2022 California Residential Code published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936.

B. Deletions, revisions and additions to the 2022 California Residential Code shall be as follows:

1. Section R101.1 is hereby revised to read:

R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-family Dwellings of the City of Encinitas and shall be cited as such and hereinafter referred to as “this code.”

2. Section R105.3.1.2 is hereby added to read:

R105.3.1.2 Action on application with grading permit or public improvements. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements is required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

3. Section R105.3.1.3 is hereby added to read:

R105.3.1.3 Action on application with flooding or geologic conditions. Permits shall not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

4. Section R108.1.1 is hereby added to read:

   R108.1.1 No fees for specific governmental organizations. The United States, the State of California, school districts, the County of San Diego, or the City shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City building inspection services are requested. If so requested, the regular fee schedules in this Code shall apply.

5. Section R108.2 is hereby revised to read:

   R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established by the City Council of the City of Encinitas.

6. Section R108.3 is hereby revised to read:

   R108.3 Building permit valuation. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuation shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

7. Section R108.5 is hereby revised to read:

   R108.5 Refunds. Refunds of fees paid shall in accordance with the refund policy adopted by the City Council of the City of Encinitas.

8. Section R112.1 is hereby revised to read:

   R112.1 General. The City Council shall serve as the Board of Appeals to hear appeals of any code interpretation by the City Building Official.

9. Section R112.3 is hereby deleted.

10. Section R313.1, Exception is hereby amended to read:

    R313.1 Exception: An automatic residential fire sprinkler system may be required by the fire code official when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

11. Section R313.2, Exception is hereby amended to read:

R313.2 (1) An automatic residential fire sprinkler system may be required by the fire code official when additions or alterations are made to existing buildings that are not already provided with an automatic residential fire sprinkler system.

12. Section R332 is hereby added to read:

R332 SOLAR- AND ELECTRIC VEHICLE-READY BUILDINGS

R332.1 General. Solar- and electric vehicle-ready construction shall be provided as specified in Section 23.12.080 City Energy Code and 23.12.110 City Green Building Code.

13. Section R902.1.3 is hereby revised to read:

R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

23.12.050 Adoption of the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Electrical Code for the purpose of prescribing regulations in the City of Encinitas for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the National Electrical Code, 2020 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all installation, alteration or repair of electrical systems within the City of Encinitas shall be in conformance with 2022 California Electrical Code, published by the California Building Standards Commission, which is based on the National Electrical Code, 2020 Edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, 02269.

23.12.060 Adoption of the 2020 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Mechanical Code for the purpose of prescribing regulations in the City of Encinitas for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., which is based on the Uniform Mechanical Code, 2018 Edition. Except as otherwise provided by this chapter of the City of Encinitas Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2022 California Mechanical Code, and any rules and regulations promulgated pursuant thereto, including the Uniform Mechanical Code, published by the California Building Standards Commission, and any rules and regulations promulgated pursuant thereto, which

is based on the Uniform Mechanical Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816.

23.12.070 Adoption of the 2022 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City's Plumbing Code for the purpose of prescribing regulations in the City of Encinitas for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2022 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., which is based on the Uniform Plumbing Code 2021 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City of Encinitas shall be in conformance with 2022 California Plumbing Code, published by the California Building Standards Commission, which is based on the Uniform Plumbing Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2861.

B. Section 1503.1.1(14) is hereby added to the 2022 California Plumbing Code to read:

(14) A clothes washer system consists solely of one single domestic clothes washing machine in a one- or two-family dwelling.

23.12.080 Adoption of the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Energy Code for the purpose of prescribing regulations in the City of Encinitas for the conservation of energy, the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with 2022 California Energy Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, 2022 Edition, published by the California Energy Commission.

23.12.090 Adoption of the 2022 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Historical Building Code for the purpose of prescribing regulations in the City of Encinitas to provide alternative building regulations for the rehabilitation, preservation, restoration, or relocation of designated historic buildings, the 2022 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. (authorized by Health and Safety Code Sections 18950 through 18961).

23.12.100 Adoption of the 2022 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Existing Building Code for the purpose of prescribing regulations in the City of Encinitas to provide alternative building regulations for the rehabilitation, preservation, restoration, or relocation of existing buildings, the 2022 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq.

23.12.110 Adoption of the 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City's Green Building Code for the purpose of prescribing regulations in the City of Encinitas for enhancing the design and construction of buildings, through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices the 2022 California Green Building Standards Code, Part II, Title 24 of the California Code of Regulations, a portion of the 2022 California Buildings Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., and the California Green Building Standards Code, 2022 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings shall be in conformance with the 2022 California Building Standards Code and any rules and regulations promulgated pursuant thereto, including the California Green Building Standards Code, 2022 Edition, published by the California Building Standards Commission.

B. Section 4.304.2 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 in 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.

23.12.120 Adoption of the 2022 California Reference Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Reference Standards Code, 2022 Edition, Chapter 23.12.130 is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

SECTION THREE: Chapter 10.04 of the Encinitas Municipal Code is hereby amended by repealing it in its entirety, and adopting a new Section 10.04 to read as follows:

Chapter 10.04

California Fire Code Exhibit A

Summary of Amendments to the 2022 California Fire Code

Chapter 1 - Administration: includes City of Encinitas Validity, repeal of conflicting ordinances, resolutions, or motions.

Chapter 2 - Definition section: includes added and revised definitions.

Chapter 3 - General Precaution against fire: Sky Lanterns and Mid-rise buildings.

Chapter 5 - Fire Service Features: includes emergency access road dimensions, design, grade, marking, access gates (emergency strobe sensor), water tanks, fire hydrants and fire flow.

Chapter 9 - Fire Protection Systems Where Required.

Chapter 56 - Explosives and Fireworks: includes use, display, seizure and disposal information. Please note: additional requirements apply and are referenced in State Law, CCR-Title-19, Article 6.

Chapter 57 - Flammable and Combustible Liquids: above-ground tanks are prohibited.

Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids.

Chapter 61 - Liquefied Petroleum Gases: bulk storage prohibited.

Chapter 10.04

2021 INTERNATIONAL FIRE CODE AND 2022 CALIFORNIA FIRE CODE

SECTION 1

That a certain document, three (3) copies of which are on file in the office of the City of Encinitas Fire Department being marked and designated as the 2021 International Fire Code and 2022 California Fire Code, including, Appendix B & I, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Encinitas, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Encinitas Fire Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in **Section 2** of this ordinance.

SECTION 2
That the following sections are hereby revised:

Chapter 1 Administration

Section 101.5 City of Encinitas Validity
This section is revised to read:

The City Council of the City of Encinitas hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Encinitas that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

Section 102.13 Repeal of Conflicting Ordinances, Resolutions or Motions
This section is added to read:

All former ordinances, resolutions or motions, or parts thereof, including 2019-27 and 2020-03, which conflict or are inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

Chapter 2 Definitions

Section 202 General Definitions
This section is added or revised to read:

Fire Hazard - is any condition or conduct which: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or (b) may obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

Fireworks - is any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, roman candles, Daygo bombs, sparklers, snap caps, poppers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term “fireworks” shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. “Fireworks” shall include snap caps and poppers, regardless of the amount of explosive content included in each device.

Hazardous Fire Area - Any geographic area mapped by the State or designated by the local jurisdiction as a moderate, high or very high fire hazard area, or which the FAHJ has determined is a hazardous fire area; the type and condition of vegetation, topography, weather, or structure density which may increase the possibility of the area being susceptible to wildfire.

Mid-Rise Building - A building four stories or more in height, but not exceeding 75 feet and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall

be made from the underside of the roof or floor above the topmost space that may be occupied to the lowest fire apparatus access road level.
Nothing in Section 324 shall imply or allow a building height in excess of current City of Encinitas planning and zoning requirements.

Level – An area, above or below grade, including but not limited to; basements, garages, cellars, mezzanines or similar uses.

Wherever the terms - "This Code" and "2021 International Fire Code" are used they shall mean the 2022 California Fire Code as modified by the City of Encinitas with the deletions, revisions and additions set forth in the amendments.

Chapter 3 General Requirements

Section 308.1.6.3. Sky Lanterns
This section is revised to read:

Sky lanterns, floating luminary, and similar devices propelled by open flame are prohibited for sale or use.

Section 324 Mid-Rise Buildings

Section 324.1 General
This section is added to read:

All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete structural or non-structural renovation, that requires the complete vacancy of the building to complete the renovation shall, comply with Sections 324.1 through 324.3.

Exceptions:

1. Buildings used exclusively as open parking garages.
2. Buildings where all floors above the fourth-floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, or other similar structures with intermittent human occupancy.

Section 321.2 Fire Equipment Control Room
This section is added to read:

A fire equipment control room for fire department operations shall be provided. The location and accessibility of the room shall be approved by the fire department. The room shall be separated from the remainder of the building by not less than a 1-hour fire barrier. The room shall contain the following facilities at minimum:

1. Voice alarm and public address panels
2. Fire alarm control panel
3. Status indicators and controls for air-handling systems
4. Fire pump status indicators (if required)
5. Set of complete building plans

Section 321.3 Road Dimensions

This section is added to read:

Fire apparatus access roads serving buildings, portions of buildings, or facilities that exceed 30 feet in height above the lowest level of fire department vehicle access, shall have an unobstructed width of not less than 26 feet.

Chapter 5 Fire Service Features

Section 503.2.1 Dimensions
This section is revised to read:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6.

EXCEPTIONS:

1. Fire access roadways, gated entrances with card readers, guard stations or center medians, which have separated lanes of one-way traffic, shall be not less than 14 feet wide per lane.

2. Residential driveways serving no more than two single-family dwellings shall have an unobstructed width of not less than 16 feet.

3. Roads serving only single-family residential dwellings, that are not within the Very High Fire Hazard Severity Zone, shall have an unobstructed width of not less than 20 feet.

Section 503.2.3 Surface
This section is revised to read:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. and shall be provided with an approved paved surface to provide all-weather driving capabilities.

Section 503.2.7 Grade
This section is revised to read:

Grades exceeding 15% on fire apparatus access roads shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the direction of travel.. Maximum grade shall not exceed 20%

Section 503.2.8 Angles of Approach and Departure
This section is revised to read:

The angle of approach and departure of a fire access roadway shall not exceed 12 % or as approved by the fire code official.

Section 503.2.9 Roadway Turnouts
This section is added to read:

Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

Section 503.3 Marking
This section is revised to read:

When required by the fire code official, approved signs or other approved notices or markings shall be provided for all public and private fire apparatus access roads, to identify such roads or prohibit obstruction thereof. Signs, notices, or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. All new public roads, all private roads within major subdivisions and all private roads serving four or more parcels shall be named. Road name signs shall comply with City of Encinitas standards.

Section 503.4.2 Width of a Parking Space.
This section is added to read:

The width of a parking space shall be a minimum of eight feet wide.

Section 503.6 Security Gates
This section is revised to read:

No person shall install a security gate or security device across a fire access roadway without the fire code official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions to ensure access and shall be provided with a battery back-up and manual mechanical disconnect in case of power failure.
2. An automatic gate accessing more than four residences or a gate accessing hazardous, institutional, educational or assembly occupancy group structures, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus with a battery back-up and manual mechanical disconnect in case of power failure.
3. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
4. A gate across a fire access roadway or driveway, public or private, shall be maintained in an operative condition which provides rapid, reliable access at all times.
5. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
6. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 507 Fire Protection Water Supplies

Section 507.2.2 Water Tanks
This section is revised to read:

Water storage tanks, when permitted by the fire code official, shall comply with Table No. 507.2.2A.

WATER STORAGE TANKS

Table No. 507.2.2A

TABLE NO. 507.2.2A			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500	250	5,000	20
Over 1,500	250	10,000	40
When exposure distance is one hundred feet (100') or less from adjacent property or where additional hazards or higher fire flow exists, the required water storage may be modified by the fire code official.			

1. Tank elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the fire department. Tank size may be increased to serve multiple structures on a single parcel.

2. Supply outlet shall be at least 4 inches in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall provide an approved means of controlling water flow.

3. The outlet shall be located along an access roadway and shall not be closer than 50 feet or further than 150 feet from the structure.

4. All exposed tanks and exposed supply pipes shall be of an alloy or other material listed for above ground use. Adequate support shall be provided.

Section 507.5.1 Where Required

This section is revised to read:

The location, type and number of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public or private street, or on the site of the premises to be protected or both. Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of section 503.

Section 507.5.1.01 Requirements for single-family dwellings

This section is added to read:

In zones other than industrial, commercial and multi-family, fire hydrants shall be installed in accordance with Table No. 507.5.1.01A.

Table No. 507.5.1.01A

TABLE 507.5.1.01A	
Parcels ½ acre and larger:	Every 500 feet
Parcels less than ½ acre:	Every 350 feet

Section 507.5.1.02 Requirements for multi-family, commercial and industrial zones
This section is added to read:

In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, or as approved by the fire code official, and every 300 feet of fire access roadways, regardless of parcel size.

Chapter 9 Fire Protection Systems

Section 903.2 Where Required
This section is revised to read:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in sections 903.2.1 through 903.2.12 and may be required in additions and remodels of existing structures as described in Section 903.2.01.

Section 903.3 Installation Requirements
This section is revised to read:

Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 and the City of Encinitas installation policies, as appropriate.

Section 903.2.01 Group R Additions, Remodels, and Reconstruction.
This section is added to read:

An automatic sprinkler system installed in accordance with 903.3 may be required to be installed throughout structures when the addition is more than 50% of the existing building, or where the scope of work includes significant modification to the interior and/or the roof of the building.

EXCEPTIONS:

1. If the cost of the installation exceeds 15 percent of the valuation of the project. Formal bids shall be provided to the Encinitas Fire Department for review.

2. If the addition to the existing structure is strictly for the creation of a new Accessory Dwelling Unit; no additions or remodels to the existing building is permitted.

Section 903.2.02 Commercial and Group U.

An automatic sprinkler system installed in accordance with Section 903.3 shall be required in buildings and structures when the square footage of a new commercial building exceeds 5000 square feet.

EXCEPTION:

1. Agricultural buildings constructed of wood or metal frame, over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.

Section 905 Standpipe Systems

Section 905.3 Required Installations
This section is revised to read:

Standpipe systems shall be installed where required by Sections 905.3.01 through 905.3.11.1. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 occupancies.

Section 905.3.01 Standpipes
This section is added to read:

A Class 1 standpipe with 2.5inch hose valves shall be provided for all commercial buildings three levels or more in height, regardless of occupancy type. Hose valves shall be located in each stair enclosure and on each floor level, including the roof. For single story buildings or parking structures with large floor areas, class 1 standpipes may be required.

Chapter 56 Explosives and Fireworks

Section 5608.2 Fireworks
This section is added to read:

Fireworks shall not be sold, manufactured, disposed, or discharged within the jurisdictional boundaries of the City of Encinitas, except when a permit is issued for public display, theatrical purposes and/or group entertainment by the fire department to a California State Fire Marshal licensed pyro-technician and the minimum requirements of Title-19, California Code of Regulations, Chapter-6, fireworks are met. The San Diego County Regulatory Ordinance, Title-3, Division-2, Chapter 1, section 32.101 through 32.108 may be used as a guide when enforcing these requirements.

Section 5608.3 Fireworks Penalty
This section is added to read:

Any person violating any provisions or failing to comply with this Chapter or the requirements of Title-19 California Code of Regulations, chapter 6, and/or San Diego County Regulatory Ordinance,Title-3, Division-2, Chapter 1, section 32.101 through 32.108, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed One Thousand dollars ($1000) or by imprisonment in the County jail for a period of not more than one year or by both such fine and imprisonment.

SECTION 3
That the geographic limits referred to in certain sections of the 2019 California Fire Code are hereby established as follows:

Chapter 57 Flammable and Combustible Liquids

Section 5704.2.9.6.1 Locations where Above-ground Tanks are Prohibited

This section is revised to read:

In the City of Encinitas, (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): The limits referred to in Section 5704.2.9.6.1 and 5706.2.4.4 of the 2022 California Fire Code and the 2021 International Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are hereby established as the jurisdictional limits of the City of Encinitas.

EXCEPTIONS:

1. 2000 gallons maximum temporary (six months maximum) above ground tanks meeting UL 2085 for private use on farms, agricultural and rural property, remote construction sites, earth moving projects, gravel pits or borrow pits. Such tanks shall be specially designed, approved and listed, and have features incorporated into their design which mitigates concerns for exposure to heat (two-hour fire resistance), ignition sources and mechanical damage. A fire department permit will be required.

2. Crankcase draining may be stored in specially constructed above ground storage tanks, approved by the fire code official, with a maximum capacity of 550 gallons. Such tanks may be located within a building when the fire code official deems appropriate, and the container meets the following: specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted in residential or institutional property. All installations require a fire department permit.

3. With the fire code official's approval, Class I and II liquids may be stored in aboveground tanks inside or outside of buildings in specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Class I liquids will be limited to 550 gallons and class II liquids will be limited to 1100 gallons.

Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. The fire code official may disapprove the installation of such containers when, in his opinion, their use presents a risk to life or property.

4. With the fire code official's approval, temporary storage of a maximum 10,000 gallons of Class II liquids may be permitted for a period not to exceed ninety (90) days at remote construction sites, earth moving projects, gravel pits or borrow pits, consistent with 5704 and 5706.

Section 5706 Special Operations

Section 5706.2.4.4 Locations where Above-ground Tanks are Prohibited

This section is revised to read:

Within the geographic limits of the City of Encinitas, the storage of Class I and Class II liquids in above-ground tank is prohibited in residential areas.

Section 5706.4 Bulk Plants or Terminals
This section is revised to read:

The geographic limits in which bulk plants and terminals of flammable and combustible liquids are received are prohibited for the protection of heavily populated and congested areas and are hereby established as jurisdiction limits of the City of Encinitas.

Chapter 58 Flammable Cryogenic Fluids

Section 5806.2 Limitations
This section revised to read:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the geographic limits of the City of Encinitas.

Chapter 61 Liquefied Petroleum Gases

Section 6104.2 Maximum Capacity within Established Limits
This section is revised to read:

Within the geographic limits of the City of Encinitas, the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

FINDINGS

FOR REVISION OF THE CITY OF ENCINITAS
AMENDMENTS TO THE 2022 CALIFORNIA FIRE CODE OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

As required by Health and Safety Code section 17958 the City of Encinitas does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety and welfare due to certain climatic, topographic or geological features existing in the City of Encinitas.

The following matrix lists the City of Encinitas amendments and the corresponding express findings. Minor editorial changes or typographical corrections to the Fire Code are not shown in these findings. The full texts of the proposed City of Encinitas amendments are shown in City of Encinitas Fire Code.

MATRIX OF FINDINGS		
2022 California Fire Code Amendments		
Chapters or Sections	**PAGE NUMBER**	**FINDING NUMBER(S)**
Chapter 1 Administration	2	
Section 101.5 Validity	2	All
Section 102.13 Repeal Conflicting Ordinance	2	All
Chapter 2 Definitions	3	All
Chapter 3 General Precautions Against fire	3,4	
Section 308.1.6.3 Sky Lanterns	4	B, E
Section 324.1 through 324.3 Mid-Rise Buildings	4	A,D,E,F
Chapter 5 Fire Service Features	5-9	
Section 503.2.1 Dimensions	5	B,C & D
Section 503.2.3 Surface	5	B,C,& D
Section 503.2.7 Grade	5	B, C
Section 503.2.8 Angles of Approach and Departure	5	B,C
Section 503.2.9 Roadway Turnouts	6	A,B,C,D,E,F
Section 503.3 Marking	6	A,B,C,D,E,F
Section 503.4.2 Width of a Parking Space	6	B, C, D
Section 503.6 Security Gates	6,7	A,B,C,D,E,F
Section 507.2.2 Water Tanks	7,8	B, C & E
Section 507.5.1 Required Installation	8	All
Section 507.5.1.01 Single-Family Dwellings	8	All
Section 507.5.1.01a	9	All
Section 507.5.1.02 Multi-Family & Commercial	9	All
Chapter 9 Fire Protection Systems	8-10	B,C,D & E
Section 903.2 Where Required	8	All
Section 903.3 Installation Requirements	9	All
Section 903.2.01 Group R Additions, Remodels and Reconstruction	9	All
Section 903.2.02 Commercial and Group U	9	All
Section 905.3 and 905.3.01 Standpipes	9,10	All
Chapter 56 Explosives and Fireworks	10	
Section 5608.2 Fireworks – sale, use, display, disposal, seizure	10	B,C
Section 5608.3 Fireworks Penalty	10	B,C
Section 3	10	
Chapter 57 Flammable Combustible Liquids	10-12	
Section 5704.2.9.6.1 Location of Above-ground Tanks	10,11	All
Section 5706.2.4.4 Tank Location Prohibited	12	All
Section 5706.4 Bulk Plants/Terminals	12	All
Chapter 58 Flammable Gases and Cryogenic Fluids	12	
Section 5806.2 Limitations	12	All

Chapter 61 Liquefied Petroleum Gases	12	
Section 6104.2 Bulk Storage of Liquefied Petroleum Gases	12	All
Appendix "B" Fire Flow Requirements for Buildings		All
Appendix "I" Fire Protection Systems –Non-Compliant Conditions (No Amendments to appendix)		All

Findings for the Fire Code

The City Council hereby makes the following findings concerning the special circumstances and the climatic, topographic and geological conditions that: (a) exist in the City of Encinitas; (b) increase the exposure of the public to the dangers of fire; (c) could severely restrict the response of emergency services to fire dangers; and (d) can be mitigated by amendments to the international fire and construction codes:

Finding A

The City of Encinitas is bisected by a major transportation corridor (Interstate 5) which traverses in a north/south direction. Interstate 5 is used to transport hazardous materials and is designated by the State of California as an approved route for transporting highly toxic and radioactive materials.

The City of Encinitas is bisected by a railroad line running north/south. Hazardous materials are transported on the railroad.

Underground pipes run parallel to the railroad line and carry natural gas under high pressure. Underground pipes run in a north/south direction in the eastern portion of the City and carry liquid petroleum under high pressure.

The transport, through the City, of hazardous, toxic and radioactive materials, as well as natural gas and liquid petroleum, on a regular basis, increases the threat of fire ignition and spread. This adds to the fire danger posed by the City's climatic, topographic, and geological conditions.

Finding B

The City of Encinitas's topography is characterized by many large hillsides. The City's climate promotes the heavy growth of natural vegetation that covers the hillsides and is highly flammable, especially in the dry season.

There are numerous areas of wildland-urban interface where structures, especially residences, are in close proximity to that natural vegetation.

The City's climate is characterized by Santa Ana conditions involving dry gusty winds. In summer and fall, the typical weather is hot and dry. In combination, these climatic conditions create an extreme fire danger to the community.

Seasonal winds also have the potential for impeding emergency vehicle access by toppling trees (especially eucalyptus which is a species that is prevalent in the City and susceptible to being felled by winds).

As a result of the above conditions, the risk of fire ignition is greater. Also, once a fire is ignited, it is more likely that embers will be blown into the air, increasing the spread of the fire into the community. Therefore, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding C

The City of Encinitas is situated on the west slope of the coastal foothills that contain drainages, including Escondido Creek, which contribute to flooding within the community.

Because flooding conditions can impede fire service vehicles reaching the site of a fire, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding D

The City of Encinitas is situated near the Rose Canyon Fault, the Elsinore Fault, and the Agua Caliente Fault.

A cluster of faults known as the "South Coast Offshore Zone of Deformation" is located off the City's coast. These geologic conditions are capable of generating earthquakes of significant magnitude at any time.

An earthquake may: (1) cause fires; (2) impede emergency vehicles responding to fires; and (3) interrupt the City's water supply which is needed to fight fires.

Because the community is subject to damage from earthquakes, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding E

The City of Encinitas and Southern California are semi-arid regions and experience water shortages from time to time. Those shortages can have a severely adverse effect on water availability for firefighting.

Fires starting in sprinkled buildings are typically controlled by one to three sprinkler heads, flowing as little as 13 gallons per minute.

Hose streams used by engine companies on well-established structure fires operate at approximately 250 gallons per minute each, and the estimated water needed for a typical residential fire is 1,250 to 1,500 gallons per minute, according to the Insurance Service Office and the Uniform Fire Code. The water estimate for a commercial building is typically greater than that of a residential structure.

Under circumstances such as; lack of water infrastructure, earthquakes, multiple fires and wildland fires within a community, the limited water demand needs of residential fire sprinklers would control and extinguish many fires before they spread from building to wildland, or building to building. In such a disaster, water demands needed for conflagration firefighting probably would not be available.

Finding F

Due to the sloping topography and coastal foothills in the City of Encinitas, the potential exists that new and future development will result in taller buildings on smaller parcels. Defining mid-rise buildings from 75 feet in height to four stories or more in height modifies the application of special provisions for these buildings to all occupancies. Because of the need to mitigate the potential danger of mid-rise this change is necessary.

In addition, the limitations of available firefighting equipment, limited availability of human resources in local fire departments, and the necessity to climb vertically up flights of stairs, greatly impacting the response time to reach an incident scene, it is necessary to define the height of midrise buildings. The reduced height and built in protection will mitigate extended fire department response time and keep incidents manageable.

Finding G

Based upon the circumstances previously described, the protection of persons and property requires the City to adopt standards that are more stringent than those set forth in: (1) the State Building Standards Code Sections, 102, 202, 308, 321, 503, 507, 903, 905, 5608, 5704, 5705, 5706, 5806, 6104, B, I, and Section 3 of the International Fire Code.

SECTION FOUR: 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 FIVE: 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 on January 1, 2023. The City Clerk of City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the Coast News, a newspaper of general circulation published in the City of Encinitas.

SECTION SIX: 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 _____, 2021 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

[Energy Code Amendments – CLEAN version]

ORDINANCE NO. 2022-13

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 ENERGY EFFICIENCY AND SOLAR ENERGY

CASE NUMBER: PLCY-005615-2022; 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 23.12.080 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, 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 2020-90 Declaring a Climate Emergency on December 16, 2020;

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 six (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 Fahrenheit in many parts of the state and have exceeded increases of 2-degree Fahrenheit 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 produces 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 Energy Code are reasonably necessary to promote energy efficiency and conservation in the City, 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, Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards establish a process by which local governments may adopt more stringent energy efficiency standards provided that the more stringent standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code;

WHEREAS, the following studies[1] demonstrate that the local amendments are cost-effective and do not result in buildings consuming more energy than is permitted by the California Energy Code:

1. 2019 Cost-effectiveness Study: Single Family Residential Building Upgrades (August 27, 2021);
2. 2019 Cost-Effectiveness Study: Existing Multifamily Residential Building Upgrades (March 7, 2022);
3. Cost-effectiveness Study Memorandum: Existing Single Family and Low-rise Multifamily Retrofits (September 2022),
4. 2019 Reach Code Cost-effectiveness Analysis: Nonresidential Alterations (January 27, 2022),
5. 2022 Cost-effectiveness Study: Single Family New Construction (September 2022); and
6. 2022 Nonresidential New Construction Reach Code Cost-effectiveness Study (September 2022);

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 now seeks to amend Section 23.12.080 of Chapter 23.12 to reflect its Climate Action Plan.

[1] All studies can be found on the Local Energy Codes & Standards website here: https://localenergycodes.com/

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

SECTION TWO. Ordinance 2021-13 amending 23.12.080 of Chapter 23.12 of the Encinitas Municipal Code is hereby repealed in its entirety. Section 23.12.080 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 100.1 DEFINITIONS, is hereby amended to modify the following definition to the 2022 California Energy Code to read:

NEWLY CONSTRUCTED BUILDING (or NEW CONSTRUCTION) shall have the meaning defined in Title 24, Part 2, Chapter 2, Section 202, as amended.

B. Section 120.11 of Section 23.12.080 is hereby amended and added to the California Energy Code as follows:

Section 120.11 - NONRESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

Additions to existing nonresidential and hotel/motel buildings where the total roof area is increased by at least 1,000 square feet shall comply with the requirements of Section 120.11(a) or (b). Alterations to such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 120.11 (a) or (b). These requirements shall apply to Mixed Occupancy buildings as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

Note to Section 120.11(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 120.11(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 120.11(a): Where appropriate and where approved by Development Services Director or designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or designee that serving applicant specific load is infeasible per Exception 1 to Section 120.11.

(b) Based on New Construction Energy Code

Comply with CA Title 24, Part 6, Energy Code Section 140.10(a) which otherwise applies to Newly Constructed Buildings.

Note to Section 120.11(a) and (b): In determining whether additions to existing buildings increase the total roof area by at least 1,000 square feet, only roof area for new Enclosed Space, as defined in 23.12.030, Section 202, shall be included.

Exception 1 to Section 120.11: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 120.11: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 120.11: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 120.11. The Development Services Director or designee may exempt other greenhouse structure uses on a case- by-case basis.

Exception 4 to Section 120.11: If offered by local load serving entity (e.g. local utility provider), alterations having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with Section 120.11 by submitting proof to the Development Services Director or designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources. To comply with this exception, the applicant must prove that the load serving

entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or designee accessing tariff information for verification purposes only.

Exception 5 to Section 120.11: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 120.11 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 120.11: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing buildings.

Note to Exception 6 in Section 120.11: Exclusion of aesthetic exterior alterations is intended to remove façade alterations and other exterior alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

C. Section 160.10 is added to the California Energy Code as follows:

Section 160.10 – HIGH-RISE RESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

Additions to existing high-rise residential buildings, where the total roof area is increased by at least 1,000 square feet, shall comply with the requirements of Section 160.10(a) or (b). Alterations to such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 160.10(a) or (b). These requirements shall also apply to Mixed Occupancy buildings, as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

Note to Section 160.10(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 160.10(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 160.10(a): Where appropriate and where approved by Development Services Director or designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or designee that serving applicant specific load is infeasible per Exception 1 to Section 160.10.

(b) Based on New Construction Energy Code

Comply with Section 170.2(g) which otherwise applies to Newly Constructed Buildings.

Note to Section 160.10(a) and (b): In determining whether additions to existing buildings increased the total roof area by at least 1,000 square feet, only roof area for new Enclosed Space, defined as space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground, is applicable. For sizing of a system, the determination of total roof area shall also be consistent with total roof area under Title 24, Part 6, Section 110.10 (b)1.B.

Exception 1 to Section 160.10: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 160.10: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 160.10: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 160.10. The Development Services Director or designee may exempt other greenhouse structure uses on a case- by-case basis.

Exception 4 to Section 160.10: If offered by local load serving entity (e.g. local utility provider, alterations having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with to Section 160.10 by submitting proof to the Development Services Director or designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources. To comply with this exception, the applicant must prove that the load serving entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or designee accessing tariff information for verification purposes only.

Exception 5 to Section 160.10: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 160.10 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 160.10: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing buildings.

Note to Exception 6 to Section 160.10: Exclusion of aesthetic exterior alterations is intended to remove facade alterations and other exterior alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

D. Section 150.2 of the California Energy Code is amended to add Section (d) as follows:

(d) Single Family Additions or Alterations

The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. All additions and alterations of single family residential buildings with a building permit valuation of $50,000 or higher shall include any one of the measures identified as Available in Table 150.2-E, Single-Family Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 150.2-F, Single-Family Measure Specifications. Existing measures that meet the specifications in Table 150.2-F may be used to satisfy the requirements. .

Note: To the extent the provisions of Section 150.2(d) conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Exception to Section 150.2(d): The requirement for inclusion of energy efficiency measures does not apply to residential buildings that receive a rating of seven (7) or higher on the U.S. Department of Energy's Home Energy Score rating system based upon an assessment by a Home Energy Score Certified Assessor, to the satisfaction of the Development Services Director or designee.

Table 150.2-E: Single Family Requirements			
	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available
R-38 Attic Insulation and Air Sealing	Available *	Available	Available *
Duct Sealing	Available *	Available *	Available
New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Not applicable
R-13 Wall Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 150.2-F: Single Family Measure Specifications
Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar

reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. For low-sloped roofs, install a roofing product meeting the requirements of Section150.2(b)1Iiia, and insulate the roof in accordance with Section 150.2(b)1Iiib. Only areas of roof that are to be re-roofed are subject to the cool roof upgrade. All exceptions as stated in 2022 Title 24 Section 150.2(b)1Ii for steep slope roofs and 150.2(b)1Iii for low slope roofs are allowed.
R-38 Attic Insulation and Air Sealing. **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement. **Air Sealing:** Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of the 2022 Title 24 Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the permit application date to verify the duct sealing and confirm that the requirements have been met.
New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24 Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Single Family Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Heat Pump Water Heater (HPWH): Replace existing electric resistance or natural gas storage water heater with a heat pump water heater.
HVAC Heat Pump: Replace existing gas space heating system or all existing electric resistance heating systems with an electric heat pump system.

Heat Pump Clothes Dryer: Replace existing electric resistance clothes dryer with heat pump dryer with no resistance element and cap gas line.
Induction Cooktop: Replace existing gas and electric resistance stove top with inductive stove top and cap the gas line.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the requirements of 2022 Title 24 Reference Appendix JA11. The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 150.0(t) 3. Electric Clothes Dryer Ready, as specified in Section 150.0(v) 4. Electric Cooktop Ready, as specified in Section 150.0(u) 5. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s) 6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to new construction

E. Section 180 of the California Energy Code is amended to add Section 180.5 as follows:

Section 180.5 - MULTIFAMILY ADDITIONS OR ALTERATIONS

The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. All additions and alterations of individual residential dwelling units (withing the multifamily building), with a building permit valuation of $50,000 or higher shall include any one of the measures identified as Available in Table 180.5-A, Multifamily Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 180.5-B, Multifamily Measure Specifications. Existing measures that meet the specifications in Table 180.5-B may be used to satisfy the requirements.

Note: To the extent the provisions of Section 180.5 conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Table 180.5-A: Multifamily Requirements

	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available

R-38 Attic Insulation and Air Sealing	Available *	Available	Available
Duct Sealing	Available *	Available *	Not applicable
New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Available
R-13 Wall Insulation	Available	Not applicable	Not applicable
Floor Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 180.5-B: Multifamily Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. Low slope roofs (ratio of rise to run of 2:12 or less) shall meet the requirements of Section 180.2(b)1Ii of 2019 Title 24, Part 6. All exceptions as stated in 2022 Title 24 Section 180.2(b)1Ii for low slope roofs and 180.2(b)1Iii for steep slope roofs are allowed.
R-38 Attic Insulation and Air Sealing **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement.

Air Sealing: Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of 2022 Title 24 Section 180.2(b)2Aiii. The duct system must be tested by a HERS Rater no more than three years prior to the Low-Rise Multifamily Covered Project permit application date to verify the duct sealing and confirm that the requirements have been met.
New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24, Part 6 Section 160.3(b)5.K, with the exception that the maximum duct leakage be reduced from the current code requirement of 12 percent to five percent. To qualify, a preexisting measure must have been installed no more than three years before the Low-Rise Multifamily Covered Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Floor Insulation: Install floor insulation in the floor cavity of all exterior raised floors to achieve a weighted U-factor of 0.037 or an installed thermal resistance of R-19 or greater for the insulation alone.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the prescriptive requirements in Section 170.2(f). The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as otherwise specified for Single Family buildings in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 160.9(a) 3. Electric Clothes Dryer Ready, as specified in Section 160.9(b) 4. Electric Cooktop Ready, as specified in Section 160.9(b) 5. Energy Storage Systems (ESS) Ready, as otherwise specified for Single Family buildings in Section 150.0(s)

6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to single family new construction

F. **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 approval of the California Energy Commission and 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

[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

[Building Code 2022 Update – Local REDLINE version.]

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA ADOPTING AMENDMENTS TO CHAPTER 23.12 (UNIFORM CODES FOR CONSTRUCTION) OF TITLE 23 (BUILDING AND CONSTRUCTION) AND TO CHAPTER 10.04 (2018 INTERNATIONAL FIRE CODE AND 2019 CALIFORNIA FIRE CODE) OF TITLE 10 (FIRE PREVENTION) OF THE ENCINITAS MUNICIPAL CODE TO ADOPT THE 2022 CALIFORNIA BUILDING STANDARDS CODE AND THE 2022 INTERNATIONAL FIRE CODE AND 2022 CALIFORNIA FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

CASE NUMBER: PLCY-005614-2022; CITYWIDE

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

WHEREAS, The California Building Standards Commission published the 2022 Building Standards Code on July 1, 2022;

WHEREAS, California Health and Safety Code requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication;

WHEREAS, if the California Buildings Standards Code is not adopted by a jurisdiction, it has the force and effect of law 180 days after publication;

WHEREAS, the State allows local amendments when findings can be made that the proposed code changes are necessary to address locally unique topographical and climatic conditions, so long as the local amendments are no less restrictive than the State code;

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 is situated in hilly, coastal and inland terrain. Approximately 50 percent of the area is “wildland” for fire purposes, covered by native vegetation on steep and frequently inaccessible hillsides. The native vegetation consists of highly combustible grasses, dense brush, and chaparral. Natural firebreaks in these areas are significantly lacking.

2. The City’s climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fires as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75- and 90-degrees Fahrenheit are common during the year.

3. The potential for fire damage is great in the wildland area. As such, a fire can spread rapidly, and hilly terrain, and combustible vegetation can slow response time.

4. Rural roads include many narrow winding roadways, often with grades in excess of that necessary for optimal response time for large fire apparatus. An additional factor affecting response time is the distance between fire stations and the fire location.

5. The water supply is limited making it necessary for fire apparatus to travel time-consuming distances to refill once their initial water supply has been utilized.

6. As a result of prolonged drought, exacerbated by climate change, water supplies from imported sources are reduced and local water suppliers have been directed to achieve significant reductions in potable water use, while population and economic growth are expected to increase demand for water. Requiring plumbing for graywater stub out in new residential development facilitates the use of graywater for irrigation, which in turn helps address drought-related water supply impacts.

7. As a result of high summer ambient temperatures and periods of heat waves, the average load demand and peak load demand of energy used in San Diego County is an important factor concerning the public safety, as well as the adverse economic impacts of power outages or reductions. Facilitating the installation of an electric panel large enough for future photovoltaic and/or electric vehicle charging system, installation of conduit for future photovoltaic and electric vehicle charging system, and reserving south facing roofs for future solar, will have local and regional benefits in reduction of total and peak energy use and greenhouse gas emissions.

WHEREAS, Chapter 10.04 of the City of Encinitas Municipal Code is the Encinitas Fire Code, which adopts by reference the International Fire Code and the California Fire Code;

WHEREAS, Chapter 10.04 currently adopts by reference the 2021 version of the International Fire Code and the 2022 version of the California Fire Code;

WHEREAS, there is a need to replace Chapter 10.04 because the State of California ("State"), pursuant to Health & Safety Code section 17922, has recently adopted the 2021 version of the International Fire Code and the 2022 version of the California Fire Code (together, the "Fire Code");

WHEREAS, Health & Safety Code section 17958 mandates that cities such as the City of Encinitas shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code section 17922;

WHEREAS, Health & Safety Code section 17958.5 permits the City of Encinitas to make such changes or modifications to the Fire Code as are reasonably necessary because of local conditions or circumstances;

WHEREAS, Health & Safety Code section 17958.7 requires that, before making any changes or modifications pursuant to section 17958.7, the City of Encinitas make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions;

WHEREAS, the City of Encinitas does herewith find that it has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services, as set forth in greater detail in the "Findings for the Fire Code" section of Exhibit A (the "Findings");

WHEREAS, the Fire Code, together with the City of Encinitas amendments, shall be City of Encinitas Fire Code for the purpose of prescribing regulations in the territory of the County of San Diego and the City of Encinitas;

WHEREAS, the City of Encinitas finds that the modifications and changes to the Fire Code are reasonably necessary because of the local climatic, geological, and topographical conditions reflected in the Findings and serve to mitigate to the extent possible said deleterious effects;

WHEREAS, code amendments adopted by the State in the 2022 version of the California Fire Code shall take precedence over language in the 2021 version of the International Fire Code, while the 2021 version of the International Fire Code language shall be used for those code sections not adopted by the State in the 2022 version of the California Fire Code;

WHEREAS, local amendments adopted by the City of Encinitas shall take precedence over the Fire Code;

WHEREAS, sections 50022.1 through 50022.10 of the Government code and Section 13869 of the Health & Safety Code provide authority for the adoption by reference of codes, or portion of such codes; and

WHEREAS, The City finds that the proposed amendments to the Encinitas Municipal Code, to adopt State uniform codes, is exempt from environmental review as per Section 15378(b)(5) of the California Environmental Quality Act (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 managed 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 reduce environmental effects. The City finds that the minor local amendments will not 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.

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

SECTION TWO. Chapter 23.12 of the Encinitas Municipal Code is hereby amended by repealing it in its entirety, and adopting a new Section 23.12 to read as follows:

Chapter 23.12 UNIFORM CODES FOR CONSTRUCTION

23.12.010 Purpose.

Any person, firm, or corporation that proposes to construct a project subject to the provisions of this Code shall first obtain permits required herein, together with any other licenses, permits, or approvals required by this Code.

23.12.020 Adoption of the 2022 California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

The California Administrative Code, 2022 Edition, is adopted and hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

23.12.030 Adoption of the 2022 California Building Code, Part 2, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City Building Code for the purpose of prescribing regulations in the City of Encinitas for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the ~~2019~~ 2022 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the ~~2019~~ 2022 California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq., based on the International Building Code, ~~2018~~ 2021Edition, including specified appendices. Except as otherwise provided by the City of Encinitas Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the City of Encinitas shall be in conformance with the California Building Code which is based on the International Building Code, ~~2018~~ 2021 Edition and the adopted appendix chapters, published by the International Code Council, Inc. 500 New Jersey Avenue, NW, 6th Floor Washington, D.C. 20001

B. Deletions, revisions and additions to the California Building Code, ~~2019~~ 2022 Edition, shall be as follows:

1. Section 101.1 is hereby revised to read:

   101.1 Title. These regulations shall be known as the Building Code of the City of Encinitas, hereinafter referred to as "this code."

2. Section 105.3.1.1 is hereby added to read:

   105.3.1.1 Action on application with grading permit or public improvements. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements is required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

3. Section 105.3.1.2 is hereby added to read:

   105.3.1.2 Action on application with flooding or geologic conditions. Permits shall not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

4. Section 109.1.1 is hereby added to read:

   109.1.1 No fees for specific governmental organizations. The United States, the State of California, school districts, the County of San Diego, or the City shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City building inspection services are requested. If so requested, the regular fee schedules in this Code shall apply.

5. Section 109.2 is hereby revised to read:

   109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established by the City Council of the City of Encinitas.

6. Section 109.6 is hereby revised to read:

109.6 Refunds. Refunds of fees paid shall in accordance with the refund policy adopted by the City Council of the City of Encinitas.

7. Section 113 is modified by amending sections 113.2 and 113.3 to read:

Section 113.2 Limitations on Authority. The application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have the authority to waive requirement of this code or interpret the administration of this code, including, but not limited, the issuance of permits hereunder.

Section 113.3.1 Qualifications. The board of appeals shall consist of four (4) currently employed Certified Building Officials, five (5) currently licensed California design professionals employed and/or residing in San Diego County, and one (1) accessibility advocate residing in San Diego County, who are not employees of the City of Encinitas.

Section 113.3.24 Selection. The board of appeals shall consist of volunteers ~~and~~who shall receive no compensation other than reimbursement of costs related to participation on~~of~~ the board such as travel expenses. A list of volunteers shall be kept on file by the City Clerk and updated on an annual basis. Selection of members shall be made either at the time of the filing of an appeal or may be appointed on a standing basis by the City Council.

Section 113.3.34 Quorum. A quorum of 6 members is required to act on an appeal. The Building Official and the Fire Marshal for the C~~c~~ity of Encinitas shall participate as ex-officio non-members and shall not vote.

~~**113.1 General.** The City Council shall serve as the Board of Appeals to hear appeals of any code interpretation by the City Building Official.~~

~~Section 113.3 is hereby deleted.~~

8. Section 202 is hereby revised to add and/ or modify the following definitions:

Closet. A small room used for storage that is structurally built and integrated into the walls of the bedroom. A minimum 2-feet in depth and 10-square feet in total floor area.

Enclosed Space. A space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground

Newly Constructed Building. A building that has never before been used or occupied for any purpose; an existing structure that is removed and replaced; or modified/ renovated in a manner that causes any of the following conditions to occur is considered a newly constructed building for the purpose of this definition:

1.a. More than 50% of the roof framing (e.g., structural support) is removed, and

1.b. More than 50% of the exterior bearing walls are removed or 50% of the columns are removed, where there are no walls, or

2. The proposed conditioned area in an addition or alteration that more than doubles that of the existing building's conditioned floor area or volume.

The wall calculations are based on the horizontal measurement of the affected portion of the exterior bearing walls between the associated footings and the ceilings. Cripple walls below the floor, or parapets, and similar projections above the roof are not included in the calculations of the exterior wall surface areas.

This definition applies to low-rise residential buildings (including single-family residential (SFR) and duplexes), multi-family residential, and nonresidential building uses.

9. Table 1505.1 is hereby amended to read:

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

10. Appendices C & I of the California Building Code, 2022~~19~~ Edition, are adopted.

23.12.040 Adoption of the 2022~~19~~ California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City Residential Code for the purpose of prescribing regulations in the City of Encinitas for construction, alteration, enlargement or repair of detached one- and two-family dwellings, townhouses not more than three stories above grade plane with a separate means of egress and structures accessory thereto, the 2022~~19~~ California Residential Code, Part 2.5, Title 24 of the California Code of Regulations, a portion of the ~~2019~~ 2022 California Building Standards Code based on the International Residential Code, ~~2018~~ 2021 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, the erection, construction, enlargement, alteration or use and occupancy of one- and two-family dwellings, townhouses not more than three stories above grade plane and structures accessory thereto within the City of Encinitas shall be in conformance with the ~~2019~~ 2022 California Residential Code published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936.

B. Deletions, revisions and additions to the ~~2019~~ 2022 California Residential Code shall be as follows:

1. Section R101.1 is hereby revised to read:

R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-family Dwellings of the City of Encinitas and shall be cited as such and hereinafter referred to as "this code."

2. Section R105.3.1.2 is hereby added to read:

   R105.3.1.2 Action on application with grading permit or public improvements. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements is required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

3. Section R105.3.1.3 is hereby added to read:

   R105.3.1.3 Action on application with flooding or geologic conditions. Permits shall not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

4. Section R108.1.1 is hereby added to read:

   R108.1.1 No fees for specific governmental organizations. The United States, the State of California, school districts, the County of San Diego, or the City shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City building inspection services are requested. If so requested, the regular fee schedules in this Code shall apply.

5. Section R108.2 is hereby revised to read:

   R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established by the City Council of the City of Encinitas.

6. Section R108.3 is hereby revised to read:

   R108.3 Building permit valuation. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuation shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

7. Section R108.5 is hereby revised to read:

   R108.5 Refunds. Refunds of fees paid shall in accordance with the refund policy adopted by the City Council of the City of Encinitas.

8. Section R112.1 is hereby revised to read:

R112.1 General. The City Council shall serve as the Board of Appeals to hear appeals of any code interpretation by the City Building Official.

9. Section R112.3 is hereby deleted.

10. Section R313.1, Exception is hereby amended to read:

    R313.1 Exception: An automatic residential fire sprinkler system may be required by the fire code official when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

11. Section R313.2, Exception is hereby amended to read:

    R313.2 (1) An automatic residential fire sprinkler system may be required by the fire code official when additions or alterations are made to existing buildings that are not already provided with an automatic residential fire sprinkler system.

12. Section R332 is hereby added to read:

    R332 SOLAR- AND ELECTRIC VEHICLE-READY BUILDINGS

    R332.1 General. Solar- and electric vehicle-ready construction shall be provided as specified in Section 23.12.080 City Energy Code and 23.12.110 City Green Building Code.

13. Section R902.1.3 is hereby revised to read:

    R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

23.12.050 Adoption of the 20222~~19~~ California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Electrical Code for the purpose of prescribing regulations in the City of Encinitas for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 20222~~19~~ California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 20222~~19~~ California Building Standards Code based on the National Electrical Code, 20202~~17~~ Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all installation, alteration or repair of electrical systems within the City of Encinitas shall be in conformance with 20222~~19~~ California Electrical Code, published by the California Building Standards Commission, which is based on the National Electrical Code, 20202~~17~~ Edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, 02269.

23.12.060 Adoption of the 20202~~19~~ California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Mechanical Code for the purpose of prescribing regulations in the City of Encinitas for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the ~~2019~~ 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the ~~2019~~ 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., which is based on the Uniform Mechanical Code, 2018 Edition. Except as otherwise provided by this chapter of the City of Encinitas Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with ~~2019~~ 2022 California Mechanical Code, and any rules and regulations promulgated pursuant thereto, including the Uniform Mechanical Code, published by the California Building Standards Commission, and any rules and regulations promulgated pursuant thereto, which is based on the Uniform Mechanical Code, ~~2018~~ 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816.

23.12.070 Adoption of the 2022~~19~~ California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City's Plumbing Code for the purpose of prescribing regulations in the City of Encinitas for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the ~~2019~~ 2022 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the 2022~~19~~ California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., which is based on the Uniform Plumbing Code 2021~~18~~ Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City of Encinitas shall be in conformance with 2022~~19~~ California Plumbing Code, published by the California Building Standards Commission, which is based on the Uniform Plumbing Code, 2021~~18~~ Edition, published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2861.

B. Section 1503.1.1(14) is hereby added to the 2022~~19~~ California Plumbing Code to read:

(14) A clothes washer system consists solely of one single domestic clothes washing machine in a one- or two-family dwelling.

23.12.080 Adoption of the 2022~~19~~ California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Energy Code for the purpose of prescribing regulations in the City of Encinitas for the conservation of energy, the ~~2019~~ 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the ~~2019~~ 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with ~~2019~~ 2022 California Energy Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, ~~2019~~ 2022 Edition, published by the California Energy Commission.

23.12.090 Adoption of the 20222~~19~~ California Historical Building Code, Part 8, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Historical Building Code for the purpose of prescribing regulations in the City of Encinitas to provide alternative building regulations for the rehabilitation, preservation, restoration, or relocation of designated historic buildings, the 20222~~19~~ California Historical Building Code, Part 8, Title 24 of the California Code of Regulations, a portion of the 20222~~19~~ California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. (authorized by Health and Safety Code Sections 18950 through 18961).

23.12.100 Adoption of the 20222~~19~~ California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City's Existing Building Code for the purpose of prescribing regulations in the City of Encinitas to provide alternative building regulations for the rehabilitation, preservation, restoration, or relocation of existing buildings, the ~~2019~~ 2022 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations, a portion of the ~~2019~~ 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq.

23.12.110 Adoption of the ~~2019~~ 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City's Green Building Code for the purpose of prescribing regulations in the City of Encinitas for enhancing the design and construction of buildings, through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices the 20222~~19~~ California Green Building Standards Code, Part II, Title 24 of the California Code of Regulations, a portion of the 20222~~19~~ California Buildings Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., and the California Green Building Standards Code, 20222~~19~~ Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings shall be in conformance with the 20222~~19~~ California Building Standards Code and any rules and regulations promulgated pursuant thereto, including the California Green Building Standards Code, 20222~~19~~ Edition, published by the California Building Standards Commission.

B. Section 4.304.2 is hereby added to the 20222~~19~~ 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 ~~stub-out~~ connection to in 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.

23.12.120 Adoption of the 20222~~19~~ California Reference Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Reference Standards Code, 20222~~19~~ Edition, Chapter 23.12.130 is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

SECTION THREE: Chapter 10.04 of the Encinitas Municipal Code is hereby amended by repealing it in its entirety, and adopting a new Section 10.04 to read as follows:

Chapter 10.04

California Fire Code ~~(~~Exhibit A ~~to Ord. 2019-27)~~

Summary of Amendments to the ~~2019~~ 2022 California Fire Code

Chapter 1 - Administration: includes City of Encinitas Validity, repeal of conflicting ordinances, resolutions, or motions.

Chapter 2 - Definition section: includes added and revised definitions.

Chapter 3 - General Precaution against fire: Sky Lanterns and Mid-rise buildings.

Chapter 5 - Fire Service Features: includes emergency access road dimensions, design, grade, marking, access gates (emergency strobe sensor), water tanks, fire hydrants and fire flow.

Chapter 9 - Fire Protection Systems Where Required.

Chapter 56 - Explosives and Fireworks: includes use, display, seizure and disposal information. Please note: additional requirements apply and are referenced in State Law, CCR-Title-19, Article 6.

Chapter 57 - Flammable and Combustible Liquids: above-ground tanks are prohibited.

Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids.

Chapter 61 - Liquefied Petroleum Gases: bulk storage prohibited.

Chapter 10.04

~~2018~~ 2021 INTERNATIONAL FIRE CODE AND ~~2019~~ 2022 CALIFORNIA FIRE CODE ~~(Ord. 2019-27)~~

SECTION 1

That a certain document, three (3) copies of which are on file in the office of the City of Encinitas Fire

Department being marked and designated as the ~~2018~~ 2021 International Fire Code and ~~2019~~ 2022 California Fire Code, including, Appendix B & I, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Encinitas, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Encinitas Fire Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in **Section 2** of this ordinance.

SECTION 2
That the following sections are hereby revised:

Chapter 1 Administration

Section 101.5 City of Encinitas Validity
This section is revised to read:

The City Council of the City of Encinitas hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Encinitas that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

Section 102.13 Repeal of Conflicting Ordinances, Resolutions or Motions
This section is added to read:

All former ordinances, resolutions or motions, or parts thereof, including 201~~6-11~~9-27 and 2020-03, which conflict or are inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

Chapter 2 Definitions

Section 202 General Definitions
This section is added or revised to read:

Fire Hazard - is any condition or conduct which: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or (b) may obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

Fireworks - is any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, roman candles, Daygo bombs, sparklers, snap caps, poppers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device

containing any explosive substance, except that the term “fireworks” shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. “Fireworks” shall include snap caps and poppers, regardless of the amount of explosive content included in each device.

Hazardous Fire Area - Any geographic area mapped by the State or designated by the local jurisdiction as a moderate, high or very high fire hazard area, or which the FAHJ has determined is a hazardous fire area; the type and condition of vegetation, topography, weather, or structure density which may increase the possibility of the area being susceptible to wildfire.

Mid-Rise Building - ~~A building not defined as a high-rise building by section 202 of the California Building Code and four stories or more in height. Measurements shall be made from the underside of the roof or floor above the topmost space that may be occupied to the lowest fire apparatus access road level.~~ A building four stories or more in height, but not exceeding 75 feet and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the underside of the roof or floor above the topmost space that may be occupied to the lowest fire apparatus access road level.
Nothing in Section 3241~~1~~ shall imply or allow a building height in excess of current City of Encinitas planning and zoning requirements.

Level – An area, above or below grade, including but not limited to; basements, garages, cellars, mezzanines or similar ~~structures or~~ uses. ~~Separate contiguous levels of a building will be considered separate stories.~~

Whe~~r~~never the terms - “This Code" and "202118~~18~~ International Fire Code" are used they shall mean the 202219~~19~~ California Fire Code as modified by the City of Encinitas with the deletions, revisions and additions set forth in the amendments.

Chapter 3 General Requirements

Section 308.1.6.3. Sky Lanterns
This section is revised to read:

Sky lanterns, floating luminary, and similar devices propelled by open flame are prohibited for sale or use.

Section 3241~~1~~ Mid-Rise Buildings

Section 3241~~1~~.1 General
This section is added to read:

All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete structural or non-structural renovation, that requires the complete vacancy of the building to complete the renovation shall, comply with Sections 3241~~1~~.1~~2~~ through 324.31~~.3~~.

Exceptions:
1. Buildings used exclusively as open parking garages.
2. Buildings where all floors above the fourth-floor level are used exclusively as an open parking garage.

3. Buildings such as a power plant, lookout tower, steeple, grain house, or other similar structures with intermittent human occupancy.

Section 321.2 Fire Equipment Control Room
This section is added to read:

A fire equipment control room for fire department operations shall be provided. The location and accessibility of the room shall be approved by the fire department. The room shall be separated from the remainder of the building by not less than a 1-hour fire barrier. The room shall contain the following facilities at minimum:

1. Voice alarm and public address panels
2. Fire alarm control panel
3. Status indicators and controls for air-handling systems
4. Fire pump status indicators (if required)
5. Set of complete building plans

Section 321.3 Road Dimensions
This section is added to read:

Fire apparatus access roads serving buildings, portions of buildings, or facilities that exceed 30 feet in height above the lowest level of fire department vehicle access, shall have an unobstructed width of not less than 26 feet.

Chapter 5 Fire Service Features

Section 503.2.1 Dimensions
This section is revised to read:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6., ~~and have an unobstructed vertical clearance of 13 feet 6 inches.~~

EXCEPTIONS:

1. Fire access roadways, gated entrances with card readers, guard stations or center medians, which have separated lanes of one-way traffic, shall be not less than 14 feet wide per lane.

2. Residential driveways serving no more than two single-family dwellings shall have an unobstructed width of not less than 16 feet.

3. Roads serving only single-family residential dwellings, that are not within the Very High Fire Hazard Severity Zone, shall have an unobstructed width of not less than 20 feet.

Section 503.2.3 Surface
This section is revised to read:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. and shall be provided with an approved paved surface to provide all-weather driving capabilities.

Section 503.2.7 Grade
This section is revised to read:

Grades exceeding 15~~.0~~% ~~(incline or decline)~~ on fire apparatus access roads shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the ~~entire~~ direction of travel~~.~~, ~~or equivalent, to enhance traction the entire length of the grade~~. M~~The m~~aximum grade shall not exceed 20%

Section 503.2.8 Angles of Approach and Departure
This section is revised to read:

The angle of approach and ~~angle of~~ departure of a fire access roadway shall not exceed ~~seven degrees (~~12 %~~percent)~~ or as approved by the fire code official.

Section 503.2.9 Roadway Turnouts
This section is added to read:

Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum ~~25 foot~~25-foot taper on each end.

Section 503.3 Marking
This section is revised to read:

When required by the fire code official, approved signs or other approved notices or markings shall be provided for all public and private fire apparatus access roads, to identify such roads or prohibit obstruction thereof. Signs, notices, or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. All new public roads, all private roads within major subdivisions and all private roads serving four or more parcels shall be named. Road name signs shall comply with City of Encinitas standards.

Section 503.4.2 Width of a Parking Space.
This section is added to read:

The width of a parking space shall be a minimum of eight feet wide.

Section 503.6 Security Gates
This section is revised to read:

~~No person shall install a security gate or security device across a fire access roadway without the fire code official's approval.~~

~~1. All gates providing access from a road to a driveway shall be located a minimum of 30 feet from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate.~~
~~2. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate.~~
~~3. A gate accessing more than four residences or residential lots or a gate accessing hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved~~

~~by the fire code official, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure.~~

~~4. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access.~~

~~5. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.~~

~~6. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.~~

~~7. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.~~

~~8. An automatic gate located within the Very High Fire Hazard Severity Zone shall be provided with a battery back-up or manual mechanical disconnect in case of power failure.~~

No person shall install a security gate or security device across a fire access roadway without the fire code official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions to ensure access and shall be provided with a battery back-up and manual mechanical disconnect in case of power failure.
2. An automatic gate accessing more than four residences or a gate accessing hazardous, institutional, educational or assembly occupancy group structures, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus with a battery back-up and manual mechanical disconnect in case of power failure.
3. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
4. A gate across a fire access roadway or driveway, public or private, shall be maintained in an operative condition which provides rapid, reliable access at all times.
5. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
6. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 507 Fire Protection Water Supplies

Section 507.2.2 Water Tanks

This section is revised to read:

Water storage tanks, when permitted by the fire code official, shall comply with Table No. 507.2.2A.

WATER STORAGE TANKS

Table No. 507.2.2A

TABLE NO. 507.2.2A			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500	250	5,000	20
Over 1,500	250	10,000	40
When exposure distance is one hundred feet (100') or less from adjacent property or where additional hazards or higher fire flow exists, the required water storage may be modified by the fire code official.			

1. Tank elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the fire department. Tank size may be increased to serve multiple structures on a single parcel.

2. Supply outlet shall be at least 4 inches in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall provide an approved means of controlling water flow.

3. The outlet shall be located along an access roadway and shall not be closer than 50 feet or further than 150 feet from the structure.

4. All exposed tanks and exposed supply pipes shall be of an alloy or other material listed for above ground use. Adequate support shall be provided.

Section 507.5.1 Where Required

This section is revised to read:

The location, type and number of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public or private street, or on the site of the premises to be protected or both. Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of section 503.

Section 507.5.1.01 Requirements for single-family dwellings

This section is added to read:

In zones other than industrial, commercial and multi-family, fire hydrants shall be installed in accordance with Table No. 507.5.1.01A.

Table No. 507.5.1.01A

TABLE 507.5.1.01A

Parcels ½ acre and larger:	Every 500 feet ~~to the structure~~
Parcels less than ½ acre:	Every 350 feet

Section 507.5.1.02 Requirements for multi-family, commercial and industrial zones
This section is added to read:

In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, or as approved by the fire code official, and every 300 feet of fire access roadways, regardless of parcel size.

Chapter 9 Fire Protection Systems

Section 903.2 Where Required
This section is revised to read:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in sections 903.2.1 through 903.2.12 and may be required in additions and remodels of existing structures as described in Section 903.2.01.

Section 903.3 Installation Requirements
This section is revised to read:

Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 and the City of Encinitas installation policies, as appropriate.

Section 903.2.01 Group R Additions, Remodels, and Reconstruction.
This section is added to read:

An automatic sprinkler system installed in accordance with 903.3 may be required to be installed throughout structures when the addition is more than 50% of the existing building, or where the scope of work includes significant modification to the interior and/or the roof of the building.

EXCEPTIONS:

1. If the cost of the installation exceeds 15 percent of the valuation of the project. Formal bids shall be provided to the Encinitas Fire Department for review.

2. If the addition to the existing structure is strictly for the creation of a new Accessory Dwelling Unit; no additions or remodels to the existing building is permitted.

Section 903.2.02 Commercial and Group U.

An automatic sprinkler system installed in accordance with Section 903.3 shall be required in buildings and structures when the square footage of a new commercial building exceeds 5000 square feet.

EXCEPTION:

1. Agricultural buildings constructed of wood or metal frame, over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.

Section 905 Standpipe Systems

Section 905.3 Required Installations
This section is revised to read:

Standpipe systems shall be installed where required by Sections 905.3.01 through 905.3.11.1. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 occupancies.

Section 905.3.01 Standpipes
This section is added to read:

A Class 1 standpipe with 2.5-inch hose valves shall be provided for all commercial buildings three levels or more in height, regardless of occupancy type. Hose valves shall be located in each stair enclosure and on each floor level, including the roof. For single story buildings or parking structures with large floor areas, class 1 standpipes may be required.

Chapter 56 Explosives and Fireworks

Section 5608.2 Fireworks
This section is added to read:

Fireworks shall not be sold, manufactured, ~~disposed~~disposed, or discharged within the jurisdictional boundaries of the City of Encinitas, except when a permit is issued for public display, theatrical purposes and/or group entertainment by the fire department to a California State Fire Marshal licensed pyro-technician and the minimum requirements of Title-19, California Code of Regulations, Chapter-6, fireworks are met. The San Diego County Regulatory Ordinance, Title-3, Division-2, Chapter 1, section 32.101 through 32.108 may be used as a guide when enforcing these requirements.

Section 5608.3 Fireworks Penalty
This section is added to read:

Any person violating any provisions or failing to comply with this Chapter or the requirements of Title-19 California Code of Regulations, chapter 6, and/or San Diego County Regulatory Ordinance,Title-3, Division-2, Chapter 1, section 32.101 through 32.108, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed One Thousand dollars ($1000) or by imprisonment in the County jail for a period of not more than one year or by both such fine and imprisonment.

SECTION 3
That the geographic limits referred to in certain sections of the 2019 California Fire Code are hereby established as follows:

Chapter 57 Flammable and Combustible Liquids

Section 5704.2.9.6.1 Locations where Above-ground Tanks are Prohibited
This section is revised to read:

In the City of Encinitas, (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): The limits referred to in Section 5704.2.9.6.1 and 5706.2.4.4 of the 2022~~19~~ California Fire Code and the 2021~~18~~ International Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are hereby established as the jurisdictional limits of the City of Encinitas.

EXCEPTIONS:

1. 2000 gallons maximum temporary (six months maximum) above ground tanks meeting UL 2085 for private use on farms, agricultural and rural property, remote construction sites, earth moving projects, gravel pits or borrow pits. Such tanks shall be specially designed, approved and listed, and have features incorporated into their design which mitigates concerns for exposure to heat (two-hour fire resistance), ignition sources and mechanical damage. A fire department permit will be required.

2. Crankcase draining may be stored in specially constructed above ground storage tanks, approved by the fire code official, with a maximum capacity of 550 gallons. Such tanks may be located within a building when the fire code official deems appropriate, and the container meets the following: specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted in residential or institutional property. All installations require a fire department permit.

3. With the fire code official's approval, Class I and II liquids may be stored in aboveground tanks inside or outside of buildings in specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Class I liquids will be limited to 550 gallons and class II liquids will be limited to 1100 gallons.

Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. The fire code official may disapprove the installation of such containers when, in his opinion, their use presents a risk to life or property.

4. With the fire code official's approval, temporary storage of a maximum 10,000 gallons of Class II liquids may be permitted for a period not to exceed ninety (90) days at remote construction sites, earth moving projects, gravel pits or borrow pits, consistent with 5704 and 5706.

~~**Section 5705.2.4 Class I, II and III Liquids**~~

Section 5706 Special Operations

Section 5706.2.4.4 Locations where Above-ground Tanks are Prohibited
This section is revised to read:

Within the geographic limits of the City of Encinitas, the storage of Class I and Class II liquids in above-ground tank is prohibited in residential areas.

Section 5706.4 Bulk Plants or Terminals
This section is revised to read:

The geographic limits in which bulk plants and terminals of flammable and combustible liquids are received are prohibited for the protection of heavily populated and congested areas and are hereby established as jurisdiction limits of the City of Encinitas.

Chapter 58 Flammable Cryogenic Fluids

Section 5806.2 Limitations
This section revised to read:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the geographic limits of the City of Encinitas.

Chapter 61 Liquefied Petroleum Gases

Section 6104.2 Maximum Capacity within Established Limits
This section is revised to read:

Within the geographic limits of the City of Encinitas, the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

FINDINGS

FOR REVISION OF THE CITY OF ENCINITAS
AMENDMENTS TO THE 2022~~19~~ CALIFORNIA FIRE CODE OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

As required by Health and Safety Code section 17958 the City of Encinitas does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety and welfare due to certain climatic, topographic or geological features existing in the City of Encinitas.

The following matrix lists the City of Encinitas amendments and the corresponding express findings. Minor editorial changes or typographical corrections to the Fire Code are not shown in these findings. The full texts of the proposed City of Encinitas amendments are shown in City of Encinitas Fire Code.

MATRIX OF FINDINGS		
2022~~19~~16 California Fire Code Amendments		
Chapters or Sections	**PAGE NUMBER**	**FINDING NUMBER(S)**
Chapter 1 Administration	2	

Section 101.5 Validity	2	All
Section 102.13 Repeal Conflicting Ordinance	2	All
Chapter 2 Definitions	3	All
Chapter 3 General Precautions Against fire	3,4	
Section 308.1.6.3 Sky Lanterns	4	B, E
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Chapter 5 Fire Service Features	5-9	
Section 503.2.1 Dimensions	5	B,C & D
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Section 903.2 Where Required	8	All
Section 903.3 Installation Requirements	9	All
Section 903.2.01 Group R Additions, Remodels and Reconstruction	9	All
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Section 5704.2.9.6.1 Location of Above-ground Tanks	10,11	All
~~Section 5705.2.4 Class I, II, and III Liquids~~	~~12~~	~~All~~
Section 5706.2.4.4 Tank Location Prohibited	12	All
Section 5706.4 Bulk Plants/Terminals	12	All
Chapter 58 Flammable Gases and Cryogenic Fluids	12	
Section 5806.2 Limitations	12	All
Chapter 61 Liquefied Petroleum Gases	12	
Section 6104.2 Bulk Storage of Liquefied Petroleum Gases	12	All
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Findings for the Fire Code

The City Council hereby makes the following findings concerning the special circumstances and the climatic, topographic and geological conditions that: (a) exist in the City of Encinitas; (b) increase the exposure of the public to the dangers of fire; (c) could severely restrict the response of emergency services to fire dangers; and (d) can be mitigated by amendments to the international fire and construction codes:

Finding A

The City of Encinitas is bisected by a major transportation corridor (Interstate 5) which traverses in a north/south direction. Interstate 5 is used to transport hazardous materials and is designated by the State of California as an approved route for transporting highly toxic and radioactive materials.

The City of Encinitas is bisected by a railroad line running north/south. Hazardous materials are transported on the railroad.

Underground pipes run parallel to the railroad line and carry natural gas under high pressure. Underground pipes run in a north/south direction in the eastern portion of the City and carry liquid petroleum under high pressure.

The transport, through the City, of hazardous, toxic and radioactive materials, as well as natural gas and liquid petroleum, on a regular basis, increases the threat of fire ignition and spread. This adds to the fire danger posed by the City's climatic, ~~topographic~~topographic, and geological conditions.

Finding B

The City of Encinitas's topography is characterized by many large hillsides. The City's climate promotes the heavy growth of natural vegetation that covers the hillsides and is highly flammable, especially in the dry season.

There are numerous areas of wildland-urban interface where structures, especially residences, are in close proximity to that natural vegetation.

The City's climate is characterized by Santa Ana conditions involving dry gusty winds. In summer and fall, the typical weather is hot and dry. In combination, these climatic conditions create an extreme fire danger to the community.

Seasonal winds also have the potential for impeding emergency vehicle access by toppling trees (especially eucalyptus which is a species that is prevalent in the City and susceptible to being felled by winds).

As a result of the above conditions, the risk of fire ignition is greater. Also, once a fire is ignited, it is more likely that embers will be blown into the air, increasing the spread of the fire into

the community. Therefore, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding C

The City of Encinitas is situated on the west slope of the coastal foothills that contain drainages, including Escondido Creek, which contribute to flooding within the community.

Because flooding conditions can impede fire service vehicles reaching the site of a fire, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding D

The City of Encinitas is situated near the Rose Canyon Fault, the Elsinore Fault, and the Agua Caliente Fault.

A cluster of faults known as the "South Coast Offshore Zone of Deformation" is located off the City's coast. These geologic conditions are capable of generating earthquakes of significant magnitude at any time.

An earthquake may: (1) cause fires; (2) impede emergency vehicles responding to fires; and (3) interrupt the City's water supply which is needed to fight fires.

Because the community is subject to damage from earthquakes, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding E

The City of Encinitas and Southern California are semi-arid regions and experience water shortages from time to time. Those shortages can have a severely adverse effect on water availability for ~~fire fighting~~firefighting.

Fires starting in sprinkled buildings are typically controlled by one to three sprinkler heads, flowing as little as 13 gallons per minute.

Hose streams used by engine companies on ~~well-established~~well-established structure fires operate at approximately 250 gallons per minute each, and the estimated water needed for a typical residential fire is 1,250 to 1,500 gallons per minute, according to the Insurance Service Office and the Uniform Fire Code. The water estimate for a commercial building is typically greater than that of a residential structure.

Under circumstances such as; lack of water infrastructure, earthquakes, multiple fires and wildland fires within a community, the limited water demand needs of residential fire sprinklers would control and extinguish many fires before they spread from building to wildland, or building to building. In such a disaster, water demands needed for conflagration firefighting probably would not be available.

Finding F

Due to the sloping topography and coastal foothills in the City of Encinitas, the potential exists that new and future development will result in taller buildings on smaller parcels. Defining mid-rise buildings from 75 feet in height to four stories or more in height modifies the application of special provisions for these buildings to all occupancies. Because of the need to mitigate the potential danger of mid-rise this change is necessary.

In addition, the limitations of available firefighting equipment, limited availability of human resources in local fire departments, and the necessity to climb vertically up flights of stairs, greatly impacting the response time to reach an incident scene, it is necessary to define the height of midrise buildings. The reduced height and built in protection will mitigate extended fire department response time and keep incidents manageable.

Finding G

Based upon the circumstances previously described, the protection of persons and property requires the City to adopt standards that are more stringent than those set forth in: (1) the State Building Standards Code Sections, 102, 202, 308, 321, 503, 507, 903, 905, 5608, 5704, 5705, 5706, 5806, 6104, B, I, and Section 3 of the International Fire Code.

SECTION FOUR: 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 FIVE: 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 on January 1, 2023. The City Clerk of City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the Coast News, a newspaper of general circulation published in the City of Encinitas.

SECTION SIX: 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 _____, 2021 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

[Energy Code Amendments - Local REDLINE version.]

ORDINANCE NO. 2022-13

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 ENERGY EFFICIENCY AND SOLAR ENERGY

CASE NUMBER: PLCY-005615-2022; 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 23.12.080 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, 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 2020-90 Declaring a Climate Emergency on December 16, 2020;

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 six (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 Fahrenheit in many parts of the state and have exceeded increases of 2-degree Fahrenheit 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 produces 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 Energy Code are reasonably necessary to promote energy efficiency and conservation in the City, 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, Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards establish a process by which local governments may adopt more stringent energy efficiency standards provided that the more stringent standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code;

WHEREAS, the following studies[1] demonstrate that the local amendments are cost-effective and do not result in buildings consuming more energy than is permitted by the California Energy Code:

1. 2019 Cost-effectiveness Study: Single Family Residential Building Upgrades (August 27, 2021);
2. 2019 Cost-Effectiveness Study: Existing Multifamily Residential Building Upgrades (March 7, 2022);
3. Cost-effectiveness Study Memorandum: Existing Single Family and Low-rise Multifamily Retrofits (September 2022),
4. 2019 Reach Code Cost-effectiveness Analysis: Nonresidential Alterations (January 27, 2022),
5. 2022 Cost-effectiveness Study: Single Family New Construction (September 2022); and
6. 2022 Nonresidential New Construction Reach Code Cost-effectiveness Study (September 2022);

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 now seeks to amend Section 23.12.080 of Chapter 23.12 to reflect its Climate Action Plan.

[1] All studies can be found on the Local Energy Codes & Standards website here: https://localenergycodes.com/

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

SECTION TWO. Ordinance 2021-13 amending 23.12.080 of Chapter 23.12 of the Encinitas Municipal Code is hereby repealed in its entirety. Section 23.12.080 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 100.1 DEFINITIONS, is hereby amended to modify the following definition to the 2022 California Energy Code to read:

NEWLY CONSTRUCTED BUILDING (or NEW CONSTRUCTION) shall have the meaning defined in Title 24, Part 2, Chapter 2, Section 202, as amended.

B. Section 120.11~~0~~ of Section 23.12.080 is hereby amended and added to the California Energy Code as follows:

Section 120.~~10~~11 - NONRESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

~~All new non-residential construction, high-rise residential, and hotel/motel buildings shall comply with the requirements of Section 120.10(a) or 120.10(b). Additions to existing non-residential, high-rise residential,~~Additions to existing nonresidential and hotel/motel buildings where the total roof area is increased by at least 1,000 square feet shall comply with the requirements of Section 120.~~10~~11(a) or (b). Alterations to ~~existing non-residential, high-rise residential, and hotel/motel~~such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 120.~~10(a) or (b~~11 (a) or (b). These requirements shall apply to Mixed Occupancy buildings as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. ~~1. Building~~Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

   Note to Section 120.~~10~~11(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. ~~2.~~ Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 120.~~10~~11(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV

system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 120.~~10~~11(a): Where appropriate and where approved by Development Services Director or ~~their~~ designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or ~~their~~ designee that serving applicant specific load is infeasible per Exception 1 to Section 120.~~10.~~ 11.

~~(b) **Based on Time Dependent Valuation (TDV).** Install a solar PV system that will offset 80 percent of the building's TDV energy on an annual basis. The system sizing requirement shall be based upon total building TDV energy use including both conditioned and unconditioned space and calculated using modeling software or other methods approved by the Development Services Director.~~

(b) Based on New Construction Energy Code

Comply with CA Title 24, Part 6, Energy Code Section 140.10(a) which otherwise applies to Newly Constructed Buildings.

~~Note to Section 120.1011(a) and (b): Where appropriate and where approved by Development Services Director or their designee, TDV may be based on the scope of the application where the system size reflects only the load controlled by the applicant, such as a tenant improvement that only affects a tenant's portion of a building or a general renovation of a nonresidential building by a property owner that only affects common areas. Applicant specific TDV shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or their designee that serving common area load is infeasible per Exception 1 to Section 120.10.~~

Note to Section 120.1~~0~~(a) and (b): In determining whether additions to existing ~~non-residential, high-rise residential, and hotel/motel~~ buildings increase~~d~~ the total roof area by at least 1,000 square feet, only roof area for new E~~e~~nclosed S~~s~~pace, as defined in 23.12.030, Section 202,~~as space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground, is~~ shall be included~~applicable~~. ~~For sizing of a system, the determination of total roof area shall also be consistent with total roof area under Title 24, Part 6, Section 110.10 (b)1.B.~~

Exception 1 to Section 120.~~10~~11: The Development Services Director or ~~their~~ designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or ~~their~~ designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby

structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 120.~~10~~11: The Development Services Director or ~~their~~ designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or ~~their~~ designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 120.~~10~~11: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 120.~~10~~11. The Development Services Director or ~~their~~ designee may exempt other greenhouse structure uses on a case~~-~~-by-case basis.

Exception 4 to Section 120.~~10:~~ 11: If offered by local load serving entity (e.g. local utility provider), ~~new nonresidential buildings including the nonresidential portions of mixed use construction, high-rise residential, and hotel/motel buildings, and~~ alterations ~~thereto~~ having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with Section 120.~~10~~11 by submitting proof to the Development Services Director or ~~their~~ designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources. To comply with this exception, the applicant must prove that the load serving entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or ~~their~~ designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or ~~their~~ designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or ~~their~~ designee accessing tariff information for verification purposes only.

Exception 5 to Section 120.~~10~~11: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 120.~~10~~11 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 120.~~10~~11: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing ~~non-residential, high-rise residential, and hotel/motel~~ buildings.

Note to Exception 6 in ~~to~~ Section 120.~~10~~11: Exclusion of aesthetic exterior alterations is intended to remove façade alterations and other exterior

alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

C. Section 160.10 is added to the California Energy Code as follows:

Section 160.10 – HIGH-RISE RESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

Additions to existing high-rise residential buildings, where the total roof area is increased by at least 1,000 square feet, shall comply with the requirements of Section 160.10(a) or (b). Alterations to such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 160.10(a) or (b). These requirements shall also apply to Mixed Occupancy buildings, as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

Note to Section 160.10(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 160.10(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 160.10(a): Where appropriate and where approved by Development Services Director or ~~their~~ designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or ~~their~~ designee that serving applicant specific load is infeasible per Exception 1 to Section 160.10.

(b) Based on New Construction Energy Code

Comply with Section 170.2(g) which otherwise applies to Newly Constructed Buildings.

Note to Section 160.10(a) and (b): In determining whether additions to existing buildings increased the total roof area by at least 1,000 square feet, only roof area for new Enclosed Space, defined as space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground, is applicable. For sizing of a system, the determination of total roof area shall also be consistent with total roof area under Title 24, Part 6, Section 110.10 (b)1.B.

Exception 1 to Section 160.10: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 160.10: The Development Services Director or ~~their~~ designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 160.10: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 160.10. The Development Services Director or designee may exempt other greenhouse structure uses on a case- by-case basis.

Exception 4 to Section 160.10: If offered by local load serving entity (e.g. local utility provider, alterations having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with to Section 160.10 by submitting proof to the Development Services Director or designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources. To comply with this exception, the applicant must prove that the load serving entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or designee accessing tariff information for verification purposes only.

Exception 5 to Section 160.10: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 160.10 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 160.10: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing buildings.

Note to Exception 6 to Section 160.10: Exclusion of aesthetic exterior alterations is intended to remove facade alterations and other exterior alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

D. Section 150.2 of the California Energy Code is amended to add Section (d) as follows:

(d) Single Family Additions or Alterations

The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. ~~Where these requirements conflict with other energy code requirements, the stricter requirement shall prevail.~~ All additions and alterations of single family residential buildings with a building permit valuation of $50,000 or higher shall include ~~one of the following energy efficiency:~~ any one of the measures identified as Available in Table 150.2-E, Single-Family Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 150.2-F, Single-Family Measure Specifications. Existing measures that meet the specifications in Table 150.2-F may be used to satisfy the requirements.

~~1. Additions and alterations of single family residential buildings built before 1978 shall include one of the following:~~

~~A. Duct sealing pursuant to 2019 Title 24 Section 150.2(b)1E with verification by a Home Energy Rating System (HERS) rater. All exceptions as stated in 2019 Title 24 Section 150.2(b)1E are allowed. Projects that require duct sealing as part of an HVAC alteration or replacement must meet all of the requirements of Title 24, Part 6, including HERS rater verification.~~

~~B. Cool roof with an aged solar reflectance of greater than or equal to 0.25 and a thermal emittance of greater than or equal to 0.75. All exceptions as 2019 Title 24 Section 150.2(b)1Ii for steep slope roofs and 150.2(b)1Iii for low slope roofs are allowed. Only areas of roof that are to be re-roofed are subject to the cool roof upgrade. Projects that are not installing a new roof as part of the scope are exempt from this cool roof energy efficiency measure.~~

~~2. Additions and alterations of single family residential buildings built in 1978 or after shall include one of the following:~~

~~A. A lighting package consisting of:~~

~~i. Replacement of all interior and exterior screw-in (A-base) incandescent, compact fluorescent, and halogen lamps with screw-in LED lamps; and,~~

ii. Installation of manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motions sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors.

B. A water heating package consisting of:

i. Addition of exterior insulation meeting a minimum of R-6 to storage water heaters 20 gallons or larger in size, except if insulation installation would void the water heater warranty. Installation must allow for proper venting of the appliance; and,

ii. Insulation of all accessible hot water pipes with R-3 pipe insulation. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces and crawlspaces; and,

iii. Upgrading of fittings in faucets and shower heads to meet current CALGreen (Title 24, Part 11, Sections 4.303.1.3 and 4.303.1.4 of the California Building Code) standards, except for fittings with rated flow rates no more than 10 percent greater than current CALGreen standards.

3. Additions and alterations of multi-family residential buildings built before 1978 shall include attic air sealing and insulation with a minimum of R-38 rating. Buildings without vented attic spaces, buildings with existing attic insulation levels greater than R-5, and buildings that are not currently conditioned for space heating and cooling are exempt from this attic insulation energy efficiency measure.

4. Additions and alterations of multi-family residential buildings built between 1978 and 1990 shall include one of the following:

A. Duct sealing pursuant to 2019 Title 24 Section 150.2(b)1E with verification by a HERS rater. All exceptions as stated in 2019 Title 24 Section 150.2(b)1E are allowed. Projects that require duct sealing as part of an HVAC alteration or replacement must meet all of the requirements of Title 24, Part 6, including HERS rater verification.

B. Cool roof with an aged solar reflectance of greater than or equal to 0.25 and a thermal emittance of greater than or equal to 0.75. All exceptions as stated in 2019 Title 24 Section 150.2(b)1Ii for steep slope roofs and 150.2(b)1Iii for low slope roofs are allowed. Only areas of roof that are to be re-roofed are subject to the cool roof upgrade. Projects that are not installing a new roof as part of the scope are exempt from this cool roof energy efficiency measure.

5. Additions and alterations of multi-family residential buildings built in or after 1991 shall include one of the following:

A. A lighting package consisting of:

i. Replacement of all interior and exterior screw-in (A-base) incandescent, compact fluorescent, and halogen lamps with screw-in LED lamps; and,

ii. Installation of manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motions sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors.

B. A water heating package consisting of:

i. Addition of exterior insulation meeting a minimum of R-6 to storage water heaters 20 gallons are larger in size, except for buildings with central water heating systems or if insulation installation would void the water heater warranty. Installation must allow for proper venting of the appliance; and,

ii. Insulation of all accessible hot water pipes with R-3 pipe insulation. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces and crawlspaces; and,

Upgrading of fittings in faucets and shower heads to meet current CALGreen (Title 24, Part 11, Sections 4.303.1.3 and 4.303.1.4 of the California Building Code) standards, except for fittings with rated flow rates no more than ten percent greater than current CALGreen standards.

Note: To the extent the provisions of Section 150.2(d) conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Exception to Section 150.2(d): The requirement for inclusion of energy efficiency measures does not apply to residential buildings that receive a rating of seven (7) or higher on the U.S. Department of Energy's Home Energy Score rating system based upon an assessment by a Home Energy Score Certified Assessor, to the satisfaction of the Development Services Director or their designee.

Table 150.2-E: Single Family Requirements			
	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available
R-38 Attic Insulation and Air Sealing	Available *	Available	Available *
Duct Sealing	Available *	Available *	Available

New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Not applicable
R-13 Wall Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 150.2-F: Single Family Measure Specifications
Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. For low-sloped roofs, install a roofing product meeting the requirements of Section150.2(b)1Iiia, and insulate the roof in accordance with Section 150.2(b)1Iiib. Only areas of roof that are to be re-roofed are subject to the cool roof upgrade. All exceptions as stated in 2022 Title 24 Section 150.2(b)1Ii for steep slope roofs and 150.2(b)1Iii for low slope roofs are allowed.
R-38 Attic Insulation and Air Sealing. **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement. **Air Sealing:** Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical,

and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of the 2022 Title 24 Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the permit application date to verify the duct sealing and confirm that the requirements have been met.
New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24 Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Single Family Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Heat Pump Water Heater (HPWH): Replace existing electric resistance or natural gas storage water heater with a heat pump water heater.
HVAC Heat Pump: Replace existing gas space heating system or all existing electric resistance heating systems with an electric heat pump system.
Heat Pump Clothes Dryer: Replace existing electric resistance clothes dryer with heat pump dryer with no resistance element and cap gas line.
Induction Cooktop: Replace existing gas and electric resistance stove top with inductive stove top and cap the gas line.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the requirements of 2022 Title 24 Reference Appendix JA11. The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 150.0(t) 3. Electric Clothes Dryer Ready, as specified in Section 150.0(v) 4. Electric Cooktop Ready, as specified in Section 150.0(u) 5. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s)

6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to new construction

E. Section 180 of the California Energy Code is amended to add Section 180.5 as follows:

Section 180.5 - MULTIFAMILY ADDITIONS OR ALTERATIONS
The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. All additions and alterations of individual residential dwelling units (withing the multifamily building), with a building permit valuation of $50,000 or higher shall include any one of the measures identified as Available in Table 180.5-A, Multifamily Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 180.5-B, Multifamily Measure Specifications. Existing measures that meet the specifications in Table 180.5-B may be used to satisfy the requirements.

Note: To the extent the provisions of Section 180.5 conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Table 180.5-A: Multifamily Requirements

	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available
R-38 Attic Insulation and Air Sealing	Available *	Available	Available
Duct Sealing	Available *	Available *	Not applicable
New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Available
R-13 Wall Insulation	Available	Not applicable	Not applicable
Floor Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 180.5-B: Multifamily Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. Low slope roofs (ratio of rise to run of 2:12 or less) shall meet the requirements of Section 180.2(b)1Ii of 2019 Title 24, Part 6. All exceptions as stated in 2022 Title 24 Section 180.2(b)1Ii for low slope roofs and 180.2(b)1Iii for steep slope roofs are allowed.
R-38 Attic Insulation and Air Sealing **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement. **Air Sealing:** Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of 2022 Title 24 Section 180.2(b)2Aiii. The duct system must be tested by a HERS Rater no more than three years prior to the Low-Rise Multifamily Covered Project permit application date to verify the duct sealing and confirm that the requirements have been met.

New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24, Part 6 Section 160.3(b)5.K, with the exception that the maximum duct leakage be reduced from the current code requirement of 12 percent to five percent. To qualify, a preexisting measure must have been installed no more than three years before the Low-Rise Multifamily Covered Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Floor Insulation: Install floor insulation in the floor cavity of all exterior raised floors to achieve a weighted U-factor of 0.037 or an installed thermal resistance of R-19 or greater for the insulation alone.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the prescriptive requirements in Section 170.2(f). The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as otherwise specified for Single Family buildings in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 160.9(a) 3. Electric Clothes Dryer Ready, as specified in Section 160.9(b) 4. Electric Cooktop Ready, as specified in Section 160.9(b) 5. Energy Storage Systems (ESS) Ready, as otherwise specified for Single Family buildings in Section 150.0(s) 6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to single family new construction

~~For the purposes of interpreting this chapter and the associated standards for compliance, the terms below are defined as follows. These definitions are in addition to those in Section 100.1 (b) of the California Energy Code, as modified in Section 23.12.080 E. of the Encinitas Municipal Code. In the event of a conflict between the definitions in this section and in Section 100.1 (b), the definitions in this section shall control.~~

~~*ALL ELECTRIC BUILDING*: is a building that has no natural gas or propane plumbing installed within the building and there is no gas meter connection, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.~~

~~F. Sections 110.2, 110.3, 110.4, and 110.5 of the California Energy Code are hereby amended to read as follows:~~

~~SECTION 110.2 - MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT~~

~~Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)(2)(A) may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.~~

~~[SUBPARTS (a)-(f) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]~~

~~SECTION 110.3- MANDATORY REQUIREMENTS FOR SERVICE WATER-HEATING SYSTEMS AND EQUIPMENT~~

~~(a) Certification by manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.~~

~~[SUBPART 1. OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]~~

~~SECTION 110.4 - MANDATORY REQUIREMENTS FOR POOL AND SPA SYSTEMS AND EQUIPMENT~~

~~(a) Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment has all of the following:~~

~~[SUBPARTS (a) (1-4) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]~~

~~SECTION 110.5- NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED~~

~~Any natural gas system or equipment, meeting the requirements of Section 100.0 (e)(2)(A), listed below may be installed only if it does not have a continuously burning pilot light.~~

~~[SUBPARTS (a)-(e) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS].~~

F. **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 approval of the California Energy Commission and 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

[CalGreen Code Amendments – Local REDLINE 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:

23.12.110 Adoption of the 20192022 California EnergyGreen Building Standards Code, Part 611, Title 24 of the California Code of Regulations.

A. There is adopted and incorporated by reference herein as the City's Energy Green Building Code for the purpose of prescribing regulations in the City of Encinitas for the conservation of energy, the 2019 California Energy Code, enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices the 2022 California Green Building Standards Code, Part 6II, Title 24 of the California Code of Regulations, a portion of the 20192022 California BuildingBuildings Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., and the California Green Building Standards Code, 2022 Edition. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with 2019the 2022 California EnergyBuilding Standards Code and any rules and regulations promulgated pursuant thereto, including the California EnergyGreen Building Standards Code, 20192022 Edition, published by the California EnergyBuilding Standards Commission.

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 ~~their~~ 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 ~~their~~ 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 ~~this~~the building;

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

~~EXCEPTION 3: Applies to projects where there is existing electrical service to the property that must be upgraded to serve the all-electric design. The Development Services Director or their designee may exempt the project from this requirement if there is evidence substantiating that meeting the requirements will necessitate a significant alteration of the local utility infrastructure. The alteration is considered significant if it increases the utility side upgrade cost to the project applicant by 20% or more compared to new service for electric and natural gas to serve the same peak load. Applicant shall provide documentation of costs from the utility for both the all-electric new service design and electric and natural gas new service design to Development Services and any other requested documentation.~~

~~Note to Exception 3: This exemption does not apply to applications where there is no existing utility service.~~

Note 1: If natural gas appliances are used in any of the above exceptions 1-2~~3~~, 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 1-23 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 1-23 are granted, the Development Services Director or their designee shall have the authority to approve alternative materials, design and methods of construction or equipment per CBCCalifornia Building Code, Part 2, Section 104.

A. E. Section 100.1 (b) of the California Energy Code is hereby amended by adding the following:

B.

C. For the purposes of interpreting this chapter and the associated standards for compliance, the terms below are defined as follows. These definitions are in addition to those in Section 100.1 (b) of the California Energy Code, as modified in Section 23.12.080 E. of the Encinitas Municipal Code. In the event of a conflict between the definitions in this section and in Section 100.1 (b), the definitions in this section shall control.

D.

E. **ALL** *ELECTRIC BUILDING*: is a building that has no natural gas or propane plumbing installed within the building and there is no gas meter connection, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

F.

G. F. Sections 110.2, 110.3, 110.4, and 110.5 of the California Energy Code are hereby amended to read as follows:

H.

I. SECTION 110.2 - MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT

J.

K. Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)(2)(A) may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

L.

M. [SUBPARTS (a)-(f) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

N.

O. **SECTION** 110.3- MANDATORY REQUIREMENTS FOR SERVICE WATER-HEATING SYSTEMS AND EQUIPMENT

P.

Q. (a) Certification by manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

R.

S. [SUBPART 1. OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

T.

U. SECTION 110.4 - MANDATORY REQUIREMENTS FOR POOL AND SPA SYSTEMS
V. AND EQUIPMENT

~~W.~~

~~X. (a) Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment has all of the following:~~

~~Y.~~

~~Z. [SUBPARTS (a) (1-4) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]~~

~~AA.~~

~~BB.SECTION 110.5- NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED~~

~~CC.~~

~~DD. Any natural gas system or equipment, meeting the requirements of Section 100.0~~

~~EE.(e)(2)(A), listed below may be installed only if it does not have a continuously burning pilot light.~~

~~FF.~~

~~GG. [SUBPARTS (a) (e) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS].~~

~~**HH.**~~

~~II. G. **Applicability:** Any discretionary or non-discretionary project that has submitted a building permit application to the City of Encinitas as of the effective date of Ordinance 2021-13 shall be exempt from Section B-F.~~

~~**JJ.**~~

~~KK.~~

~~LL.~~D. ~~B.~~ Section 4.304.2 Graywater Systems is hereby added to the ~~2019~~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 ~~stub-out in~~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.

~~Section A4.106.8 is hereby added and amended to the 2019 California Green Building Standards Code to read:~~
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 ~~, A4.106.8.2 and A4.106.8.3,~~ to facilitate ~~the~~ 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.

~~**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 commercial power supply.~~

~~2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than $400.00 per dwelling unit.~~

~~3. Where there will be an impact to existing parking requirements for hotel, motel and nonresidential additions and alterations greater than 10,000 square feet.~~

~~4. Or other conditions as determined by the City.~~

A4.106.8.1 Electric vehicle charging for ~~N~~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. ~~**A4.106.8.2 New multifamily dwellings.** For any new multifamily dwelling~~A~~a~~t 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). ~~Each EV space shall be equipped with fully operational electric vehicle supply equipment (EVSE).~~ 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.

~~**A4.106.8.1.2 Technical requirements.** The EV spaces required by Section A4.106.8.2 shall be designed and constructed in accordance with Sections 4.106.4.2.1, 4.106.4.2.2, 4.106.4.2.3, 4.106.4.2.4, and 4.106.4.2.5.~~

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.

~~1. Where there will be an impact to existing parking requirements for hotel/motel additions and alterations greater than 10,000 square feet.~~

3. Or other conditions as determined by the City

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

~~**A5.106.5.3 Electric vehicle (EV) charging for non-residential buildings.** Construction shall comply with Section A5.106.5.3.1 and A5.106.5.3.2 to facilitate the installation of electric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be in accordance with the *California Building Code* and the *California Electrical Code* and as follows:~~

~~**A.5.106.5.3.1** For any new non-residential buildings, including non-residential portions of mixed-use projects, at least eight 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 EV space shall be equipped with fully operational electric vehicle supply equipment (EVSE). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. Refer to Section 5.106.5.3 for design requirements.~~
~~Refer to Section 5.106.5.3 for design requirements.~~

A.5.106.5.3.2 For any non-residential 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 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 EV space shall be equipped with fully operational electric vehicle supply equipment (EVSE). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. Refer to Section 5.106.5.3 for design requirements.
Refer to Section 5.106.5.3 for design requirements.

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 patronsemployees and customerspatrons visitingof the property.

A4.106.8.1.2 Technical requirements. The EV spaces required by Section A4.106.8.2 shall be designed and constructed in Sections 4.106.4.2.1, 4.106.4.2.2, 4.106.4.2.3, 4.106.4.2.4, and 4.106.4.2.5.

4.106.8.3 Hotels and motels. Construction shall comply with Section A4.106.8.3 to facilitate installationelectric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be in accordance with the Californiaand the California Electrical Code and as follows:

2. **A.4.106.8.3.1** For any new hotel or motel, including non-residential portions of mixed use projects, at least eigaccordanceFor 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 EV 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 and customers visiting of the property in the same manner as other parking spaces. Refer to SectionSections 5.106.5.3.2 and 5.106.5.3.3 for design requirements.

3. **A.4.106.8.3.2** 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 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 EV space shall be equipped with fully operational electric vehicle supply equipment (EVSE).

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.

~~Where there will be an impact to existing parking requirements for nonresidential additions and alterations greater than 10,000 square feet.~~

3. Or other conditions as determined by the City

~~Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. Refer to Section 5.106.5.3 for design requirements.~~

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.

~~D. California Sections A5.201, A5.202, Subsections A5.203.1.1 (Tier 1 Prerequisites), and A5.213 are mandatory requirements for alterations thereto having a building permit valuation of at least $200,000 or additions of at least 1,000 square feet to all existing nonresidential buildings including nonresidential portions of mixed-use construction, high rise residential, hotels/motels. These sections are hereby added and amended to the 2019 California Green Building Standards Code to read:~~

~~**Section A5.203**~~
~~**PERFORMANCE APPROACH**~~

~~**A5.203.1 Energy efficiency.** Nonresidential including the nonresidential portions of mixed-use construction, high-rise residential and hotel/motel buildings that include lighting and/or mechanical systems shall comply with Sections A5.203.1.1. Alterations having a building permit valuation of at least $200,000 or additions of at least 1,000 square feet are included in the scope of these sections where either the alteration or addition includes Outdoor Lighting.~~

~~**A5.203.1.1 Tier 1 prerequisites.** To comply with Tier 1, ONE of the following efficiency measures is required for all applicable components of the building project.~~

~~**A5.203.1.1.1 Outdoor Lighting.** Newly installed outdoor lighting power shall be no greater than 90 percent of the Allowed Outdoor Lighting Power, and general hardscape lighting within the scope of Title 24, Part 6, Section 140.7(b)(1) shall have a color temperature no higher than 3000K. The Allowed Outdoor Lighting Power calculation is specified in Title 24, Part 6, Section 140.7 Requirements for Outdoor Lighting.~~

~~**Exception:** The color temperature requirement is not applicable to the applications identified in the exceptions to Section 140.7(a) nor to the applications identified as "specific applications" in Section 140.7(b)(2) and Table 140.7.~~

~~**A5.203.1.1.2 Service water heating in restaurants.** Newly constructed restaurants shall comply with California Energy Code Section 140.5.~~

~~**A5.203.1.1.3 Warehouse dock seal doors.** Exterior loading dock doors that are adjacent to conditioned or indirectly conditioned spaces shall have dock seals or dock shelters installed at the time of permitting. This requirement shall apply to newly constructed buildings and to loading dock doors added to existing buildings.~~

~~**A5.203.1.1.4 Daylight Design Power Adjustment Factors (PAFs).** Daylighting devices shall be installed as specified in Title 24, Part 6, Section 140.3(d).~~

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.

~~MM.~~G. ~~E.~~ **Applicability:** ~~Any discretionary or non-discretionary project that has submitted a building permit application to the City of Encinitas as of the effective date of Ordinance 2021-13 shall be exempt from Section D.~~ 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

[Energy Code Amendments – State REDLINE Version.]

ORDINANCE NO. 2022-13

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 ENERGY EFFICIENCY AND SOLAR ENERGY

CASE NUMBER: PLCY-005615-2022; 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 23.12.080 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, 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 2020-90 Declaring a Climate Emergency on December 16, 2020;

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 six (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 Fahrenheit in many parts of the state and have exceeded increases of 2-degree Fahrenheit 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 produces 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 Energy Code are reasonably necessary to promote energy efficiency and conservation in the City, 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, Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards establish a process by which local governments may adopt more stringent energy efficiency standards provided that the more stringent standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code;

WHEREAS, the following studies[1] demonstrate that the local amendments are cost-effective and do not result in buildings consuming more energy than is permitted by the California Energy Code:

1. 2019 Cost-effectiveness Study: Single Family Residential Building Upgrades (August 27, 2021);
2. 2019 Cost-Effectiveness Study: Existing Multifamily Residential Building Upgrades (March 7, 2022);
3. Cost-effectiveness Study Memorandum: Existing Single Family and Low-rise Multifamily Retrofits (September 2022),
4. 2019 Reach Code Cost-effectiveness Analysis: Nonresidential Alterations (January 27, 2022),
5. 2022 Cost-effectiveness Study: Single Family New Construction (September 2022); and
6. 2022 Nonresidential New Construction Reach Code Cost-effectiveness Study (September 2022);

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 now seeks to amend Section 23.12.080 of Chapter 23.12 to reflect its Climate Action Plan.

[1] All studies can be found on the Local Energy Codes & Standards website here: https://localenergycodes.com/

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

SECTION TWO. Ordinance 2021-13 amending 23.12.080 of Chapter 23.12 of the Encinitas Municipal Code is hereby repealed in its entirety. Section 23.12.080 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 100.1 DEFINITIONS, is hereby amended to modify the following definition to the 2022 California Energy Code to read:

NEWLY CONSTRUCTED BUILDING (or NEW CONSTRUCTION) shall have the meaning defined in Title 24, Part 2, Chapter 2, Section 202, as amended.

B. Section 120.11 of Section 23.12.080 is hereby amended and added to the California Energy Code as follows:

Section 120.11 - NONRESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

Additions to existing nonresidential and hotel/motel buildings where the total roof area is increased by at least 1,000 square feet shall comply with the requirements of Section 120.11(a) or (b). Alterations to such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 120.11 (a) or (b). These requirements shall apply to Mixed Occupancy buildings as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

   Note to Section 120.11(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 120.11(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 120.11(a): Where appropriate and where approved by Development Services Director or designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or designee that serving applicant specific load is infeasible per Exception 1 to Section 120.11.

(b) Based on New Construction Energy Code

Comply with CA Title 24, Part 6, Energy Code Section 140.10(a) which otherwise applies to Newly Constructed Buildings.

Note to Section 120.11(a) and (b): In determining whether additions to existing buildings increase the total roof area by at least 1,000 square feet, only roof area for new Enclosed Space, as defined in 23.12.030, Section 202, shall be included.

Exception 1 to Section 120.11: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 120.11: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 120.11: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 120.11. The Development Services Director or designee may exempt other greenhouse structure uses on a case- by-case basis.

Exception 4 to Section 120.11: If offered by local load serving entity (e.g. local utility provider), alterations having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with Section 120.11 by submitting proof to the Development Services Director or designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources.

To comply with this exception, the applicant must prove that the load serving entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or designee accessing tariff information for verification purposes only.

Exception 5 to Section 120.11: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 120.11 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 120.11: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing buildings.

Note to Exception 6 in Section 120.11: Exclusion of aesthetic exterior alterations is intended to remove façade alterations and other exterior alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

C. Section 160.10 is added to the California Energy Code as follows:

Section 160.10 – HIGH-RISE RESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

Additions to existing high-rise residential buildings, where the total roof area is increased by at least 1,000 square feet, shall comply with the requirements of Section 160.10(a) or (b). Alterations to such buildings with a permit valuation of at least $1,000,000 that affects at least 75 percent of the gross floor area shall also comply with the requirements of Section 160.10(a) or (b). These requirements shall also apply to Mixed Occupancy buildings, as specified in Section 110.0(f).

The required installation of a photovoltaic (PV) system shall be sized according to one of the following methods:

(a) Based on Gross floor area.

1. Buildings with greater than or equal to 10,000 square feet of gross floor area shall install a minimum PV system sized at 15 kilowatts direct current (kWdc) per 10,000 square feet of gross floor area.

Note to Section 160.10(a)1: PV system size = 15 kWdc X (Gross Floor Area/ 10,000 sq. ft.) where the building size factor shall be rounded to the nearest tenth and the resulting product shall be rounded to the nearest whole number. For example, an applicant with a 126,800 square foot building shall install a minimum 191 kilowatt (kWdc) PV system.

2. Buildings under 10,000 square feet of gross floor area shall install a minimum 5 kilowatt (kWdc) PV system.

Note to Section 160.10(a): Applicants are encouraged to right-size the PV system based on the building's electrical demand to improve the system's cost effectiveness. Applications should also ensure that the PV system meets electrical corporation net energy metering requirements, if applicable.

Note to Section 160.10(a): Where appropriate and where approved by Development Services Director or designee, a PV system based on gross floor area may be based on the scope of the application where the system size reflects only the gross square footage controlled by the applicant, such as a tenant improvement that only affects the tenant's portion of a building's total gross floor area or a general renovation of a nonresidential building by a property owner or manager that only affects common areas. Applicant specific gross floor area PV systems shall be the minimum requirement unless an applicant can demonstrate to the Development Services Director or designee that serving applicant specific load is infeasible per Exception 1 to Section 160.10.

(b) Based on New Construction Energy Code

Comply with Section 170.2(g) which otherwise applies to Newly Constructed Buildings.

Note to Section 160.10(a) and (b): In determining whether additions to existing buildings increased the total roof area by at least 1,000 square feet, only roof area for new Enclosed Space, defined as space that is substantially surrounded by solid surfaces, including walls, ceilings or roofs, doors, fenestration areas, and floors or ground, is applicable. For sizing of a system, the determination of total roof area shall also be consistent with total roof area under Title 24, Part 6, Section 110.10 (b)1.B.

Exception 1 to Section 160.10: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provision of this Section if the Development Services Director or designee determines there are sufficient practical challenges to make satisfaction of the requirements infeasible. Practical challenges may be the result of the building site location, structural load limitations, limited rooftop availability, or shading from nearby structures, topography or vegetation. The applicant is responsible for demonstrating requirement infeasibility when applying for an exception.

Exception 2 to Section 160.10: The Development Services Director or designee may waive or reduce, by the maximum extent necessary, the provisions of this Section if the Development Services Director or designee determines the building has satisfied the purpose and intent of this provision through the use of alternate on-site renewable generation systems, such as wind energy systems.

Exception 3 to Section 160.10: Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of Section 160.10. The Development Services Director or designee may exempt other greenhouse structure uses on a case- by-case basis.

Exception 4 to Section 160.10: If offered by local load serving entity (e.g. local utility provider, alterations having a building permit of at least $1,000,000 and affecting at least 75 percent of the existing floor area, or additions that increase roof size by at least 1,000 square feet, may instead comply with to Section 160.10 by submitting proof to the Development Services Director or designee that each electrical meter related to the new construction, alteration, or addition is served by a load serving entity's electric tariff, contract, or offered product that provides the greatest available percentage of electrical power from renewable energy sources. To comply with this exception, the applicant must prove that the load serving entity's electric tariff, contract, or offered product is equivalent to the greatest available percentage of electrical power from renewable energy sources for any customer in the City of Encinitas. Proof of enrollment shall be maintained and documented through utility billings and shall be provided upon request to the Development Services Director or designee. If required, applicant shall consent to disclosure of tariff documentation to the Development Services Director or designee for verification as authorized under California Public Utilities Code § 8380 (b). Applicant consent and disclosure shall be limited to Development Services Director or designee accessing tariff information for verification purposes only.

Exception 5 to Section 160.10: An applicant may install a ground-mounted solar PV system that meets the requirements of Section 160.10 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Exception 6 to Section 160.10: Permit valuation shall exclude valuations for aesthetic exterior alterations in determining the $1,000,000 permit valuation for alterations to existing buildings.

Note to Exception 6 to Section 160.10: Exclusion of aesthetic exterior alterations is intended to remove facade alterations and other exterior alterations that do not affect internal floor space or are not otherwise required to comply with health and safety requirements.

D. Section 150.2 of the California Energy Code is amended to add Section (d) as follows:

(d) Single Family Additions or Alterations
The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. All additions and alterations of single family residential buildings with a building permit valuation of $50,000 or higher shall include any one of the measures identified as Available in Table 150.2-E, Single-Family Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 150.2-F, Single-Family Measure Specifications. Existing measures that meet the specifications in Table 150.2-F may be used to satisfy the requirements. .

Note: To the extent the provisions of Section 150.2(d) conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Exception to Section 150.2(d): The requirement for inclusion of energy efficiency measures does not apply to residential buildings that receive a rating of seven (7) or higher on the U.S. Department of Energy's Home Energy Score rating system based upon an assessment by a Home Energy Score Certified Assessor, to the satisfaction of the Development Services Director or designee.

Table 150.2-E: Single Family Requirements			
	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available
R-38 Attic Insulation and Air Sealing	Available *	Available	Available *
Duct Sealing	Available *	Available *	Available
New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Not applicable
R-13 Wall Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 150.2-F: Single Family Measure Specifications
Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar

reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. For low-sloped roofs, install a roofing product meeting the requirements of Section150.2(b)1Iiia, and insulate the roof in accordance with Section 150.2(b)1Iiib. Only areas of roof that are to be re-roofed are subject to the cool roof upgrade. All exceptions as stated in 2022 Title 24 Section 150.2(b)1Ii for steep slope roofs and 150.2(b)1Iii for low slope roofs are allowed.
R-38 Attic Insulation and Air Sealing. **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement. **Air Sealing:** Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of the 2022 Title 24 Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the permit application date to verify the duct sealing and confirm that the requirements have been met.
New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24 Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Single Family Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Heat Pump Water Heater (HPWH): Replace existing electric resistance or natural gas storage water heater with a heat pump water heater.
HVAC Heat Pump: Replace existing gas space heating system or all existing electric resistance heating systems with an electric heat pump system.

Heat Pump Clothes Dryer: Replace existing electric resistance clothes dryer with heat pump dryer with no resistance element and cap gas line.
Induction Cooktop: Replace existing gas and electric resistance stove top with inductive stove top and cap the gas line.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the requirements of 2022 Title 24 Reference Appendix JA11. The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 150.0(t) 3. Electric Clothes Dryer Ready, as specified in Section 150.0(v) 4. Electric Cooktop Ready, as specified in Section 150.0(u) 5. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s) 6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to new construction

E. Section 180 of the California Energy Code is amended to add Section 180.5 as follows:

Section 180.5 - MULTIFAMILY ADDITIONS OR ALTERATIONS

The following requirements shall apply to the entire dwelling unit, not just the addition or altered portion. All additions and alterations of individual residential dwelling units (withing the multifamily building), with a building permit valuation of $50,000 or higher shall include any one of the measures identified as Available in Table 180.5-A, Multifamily Requirements, where vintage shall refer to the year in which the building was originally permitted for construction. The measures shall be installed to the specifications in Table 180.5-B, Multifamily Measure Specifications. Existing measures that meet the specifications in Table 180.5-B may be used to satisfy the requirements.

Note: To the extent the provisions of Section 180.5 conflict with other provisions of the California Energy Code, then the most energy conserving provisions shall supersede and control.

Table 180.5-A: Multifamily Requirements

	Building Vintage		
Measures	**Pre-1978**	**1978-1991**	**Post-1991**
LED Lamps, Vacancy Sensors and Exterior Photocells	Available *	Available *	Available *
Water Heating Package	Available *	Available *	Available *
Cool Roof	Available *	Available *	Available

R-38 Attic Insulation and Air Sealing	Available *	Available	Available
Duct Sealing	Available *	Available *	Not applicable
New Ducts + Duct Sealing	Available *	Available	Available
Windows	Available	Available	Available
R-13 Wall Insulation	Available	Not applicable	Not applicable
Floor Insulation	Available	Not applicable	Not applicable
Heat Pump Water Heater (HPWH)	Available	Available	Available
Heat Pump HVAC	Available	Available	Available
Heat Pump Clothes Dryer	Available	Available	Available
Induction Cooktop	Available	Available	Available
PV + Electric Ready Pre-Wire	Available *	Available *	Available *

* Measures that have been shown to be cost effective in this region.

Table 180.5-B: Multifamily Measure Specifications
LED lamps, Vacancy Sensors and Exterior Photocells: Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install manual-on automatic-off vacancy sensors that meet Title 24 Section 110.9(b)4 in all bathrooms, bedrooms, offices, laundry rooms, utility rooms, and garages. Spaces which already include vacancy sensors, motion sensors, or dimmers do not need to install new Title 24 Section 110.9(b)4 sensors. Install photocell controls on all exterior lighting luminaires.
Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements.
Cool Roof: Install a cool roof. For steep-sloped roofs (ratio of rise to run greater than 2:12) install a roofing product rated by the Cool Roof Rating Council to have an aged solar reflectance equal to or greater than 0.25, and a thermal emittance equal to or greater than 0.75. Low slope roofs (ratio of rise to run of 2:12 or less) shall meet the requirements of Section 180.2(b)1Ii of 2019 Title 24, Part 6. All exceptions as stated in 2022 Title 24 Section 180.2(b)1Ii for low slope roofs and 180.2(b)1Iii for steep slope roofs are allowed.
R-38 Attic Insulation and Air Sealing **Attic Insulation:** Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.026 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Existing R-19 insulation satisfies this requirement.

Air Sealing: Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Testing shall be conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for post 1991 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of 2022 Title 24 Section 180.2(b)2Aiii. The duct system must be tested by a HERS Rater no more than three years prior to the Low-Rise Multifamily Covered Project permit application date to verify the duct sealing and confirm that the requirements have been met.
New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24, Part 6 Section 160.3(b)5.K, with the exception that the maximum duct leakage be reduced from the current code requirement of 12 percent to five percent. To qualify, a preexisting measure must have been installed no more than three years before the Low-Rise Multifamily Covered Project permit application date.
Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Floor Insulation: Install floor insulation in the floor cavity of all exterior raised floors to achieve a weighted U-factor of 0.037 or an installed thermal resistance of R-19 or greater for the insulation alone.
PV+ Electric Ready Pre-Wire: Install a solar PV system that meets the prescriptive requirements in Section 170.2(f). The system shall be sized such that the estimated annual kWh production shall not exceed the projected annual kWh demand. Upgrade the panelboard serving the individual dwelling to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in California Energy Code Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Install any two circuits for electric appliances from the list below: 1. Heat Pump Water Heater Ready, as otherwise specified for Single Family buildings in Section 150.0(n)1 2. Heat Pump Space Heater Ready, as specified in Section 160.9(a) 3. Electric Clothes Dryer Ready, as specified in Section 160.9(b) 4. Electric Cooktop Ready, as specified in Section 160.9(b) 5. Energy Storage Systems (ESS) Ready, as otherwise specified for Single Family buildings in Section 150.0(s)

6. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to single family new construction

F. **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 approval of the California Energy Commission and 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

[CalGreen Code Amendments – State REDLINE 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~~, A4106.8.2 or A4.106.8.3~~, 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

Summary of Energy and Green Building Code Changes in Accordance with 2022 CA Title 24 Building Code

Photovoltaic (PV), New and Existing Nonresidential

- Broke out multifamily and nonresidential to parallel 2022 code
- Deleted new construction requirements, which is covered under 2022 code
- Deleted Time Dependent Valuation compliance option due to infeasibility
- Added option to comply with 2022 Code requirements for newly constructed buildings

Energy Efficiency, Existing Residential

- Broke out multifamily and nonresidential to parallel 2022 code
- Offered additional measures to comply with requirements (more choices)
- 2019 requirements, with certain modifications, will satisfy the requirements. Modifications made include:
    - Added photocells to lighting package
    - Require verification of the duct sealing measure be completed no more than three years prior to the project
    - Amended cool roof requirements for low-slope roofs to meet State code requirements
    - Extended air sealing from the attic to the whole house and added a combustion appliance safety test to the air sealing measure (Multifamily only)
    - Amended the attic insulation requirement to accept existing R-19 insulation (previously R-5) (Multifamily only)

Energy Efficiency, Existing Nonresidential

- Deleted section to conform with changes to 2022 Code and satisfy necessary findings

All-Electric, New Residential and Nonresidential

- Moved from the Energy Code (Title 24, Part 6) to CALGreen (Title 24, Part 11)
- Updated the definition of All-Electric to enumerate end uses and make more consistent with other cities
- Referenced “Fuel Gas” to cover fixed propane
- Deleted Exception 3: Utility Service Costs, due to infeasibility of implementation
- Deleted equipment specifications (Part 6, Section 110)
- Explicitly applied to New Construction, as defined in City amendments to the California Building Code adoption

Graywater Systems, New Residential

- Modified text to make requirement clearer

EV Charging, New Single Family Residential

- By reference, updated exceptions to make more consistent with changes to CALGreen code (mandatory section) exceptions, including adding State Code exception for ADUs and JADUs

EV Charging, New and Existing Multifamily and Nonresidential

- Updated exceptions to make more consistent with changes to CALGreen code
- Maintains local requirements for charger installation in addition to State Code requirements for EV Capable and EV Ready requirements