

ORDINANCE 2019-22

AN ORDINANCE OF THE CITY COUNCIL OF 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 IMPLEMENT THE CITY OF ENCINITAS CLIMATE ACTION PLAN'S STRATEGY RELATED TO ELECTRIC VEHICLE CHARGING

(CASE NUMBER: APLAN-000015-2018 ZA; 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 and Climate Plan Implementation 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 achieve electricity from 100% renewable energy sources in homes and business, increase energy efficiency in residential and non-residential buildings, reduce on-road fuel use, and increase the use of alternative transportation fuels;

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 significant sea level increases and 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 of Encinitas Climate Action Plan found that internal combustion from on-road transportation is the largest contributor to its GHG emission accounting for 54 percent of its total emissions in 2012;

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 relative to local climatic, topographical, or geological conditions;

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. As a result of high summer ambient temperatures and periods of heat waves, GHG emissions from internal combustion vehicles are important factors concerning air quality, climate change, public safety, and adverse economic impacts. Facilitating the installation of an electric panel large enough for electric vehicle charging systems and installation of conduit for a future or required electric vehicle charging systems will have local and regional benefits in the reduction of greenhouse gas emissions, reduction in average vehicle emission rates, improvements to air quality, reduced fossil fuel reliance, improved public health, cost savings, and improved mobility.

WHEREAS, the City Council of the City of Encinitas adopted City Council Ordinance 2019-21, repealing the previous Chapter 23.12 (Uniform Codes for Construction) of the Encinitas Municipal Code and adopting a new Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the Encinitas Municipal Code to adopt the 2019 California Building Standards Code with certain amendments, additions and alterations;

WHEREAS, the City of Encinitas seeks to amend Section 23.12.110 of Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) to reflect its Climate Action Plan's strategy related to electric vehicle charging;

WHEREAS, the proposed code amendments were previously evaluated in the Final Negative Declaration for the Climate Action Plan, dated January 17, 2018. The Final Negative Declaration evaluated the potential environmental effects of the implementation of the Climate Action Plan including the adoption and enforcement of energy conservation and electric vehicle charging infrastructure ordinances. The amendments are within the scope of the Final Negative Declaration and no further California Environmental Quality Act (CEQA) compliance is required.

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

SECTION TWO. Section 23.12.110 of Chapter 23.12 of the Encinitas Municipal Code is hereby amended by adding a new Section 23.12.110C to read as follows:

- C. Section A4.106.8 and A5.106.5.3 are hereby added to the 2019 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 and A4.106.8.2 to facilitate the 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 New one- and two-family dwellings and townhouse with attached private garages.

Tier 1. 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 EV charging purposes as "EV READY" in accordance with the *California Electrical Code*. The receptacle or blank cover shall be identified as "EV READY".

A4.106.8.2 New multifamily dwellings. For any new multifamily dwelling, 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). 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.

A4.106.8.2.1 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.

A4.106.8.3 Hotels and motels. Construction shall comply with Section A4.106.8.3 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.4.106.8.3.1 For any new hotel or motel, 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.

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 local enforcing agency, 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.

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 spaces 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.

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 Development Services Department, 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 spaces 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.

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.

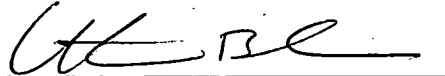
The City Clerk is directed to prepare and have published a summary of the Ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast.

This ordinance shall take effect on January 1, 2020. 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.

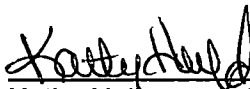
SECTION FIVE: INTRODUCTION.

This Ordinance was introduced on October 23, 2019.

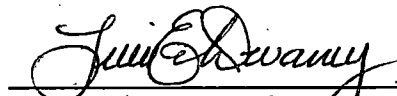
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 13th day of November, 2019.


Catherine S. Blakespear, Mayor

ATTEST:


Kathy Hollywood, City Clerk

APPROVED AS TO FORM


Leslie E. Devaney, City Attorney

CERTIFICATION:

I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the forgoing ordinance was duly and regularly introduced at a meeting of the City Council on the 23rd day of October, 2019 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 13th day of November, 2019, by the following vote, to wit:

AYES: Blakespear, Hinze, Hubbard, Kranz, Mosca
NAYS: None
ABSTAIN: None
ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this 14th day of November, 2019.


Kathy Hollywood, City Clerk