

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	231287-2
Document Title:	Encinitas 2019 - Ord 2019-21 - Certified
Description:	N/A
Filer:	Danuta Drozdowicz
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/18/2019 5:22:11 PM
Docketed Date:	12/19/2019

I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the above and foregoing is a true and correct copy of this document on file in my office. In witness whereof, I have set my hand and the Seal of the City of Encinitas this 22 day of November 2019.

Kathy Hollywood
Kathy Hollywood, City Clerk

ORDINANCE 2019-21

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) OF THE ENCINITAS MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA BUILDING STANDARDS CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

(CASE NUMBER: PLCY-003360-2019; 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 2019 Building Standards Code on July 1, 2019;

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, inland terrain. Approximately 50% of the area is "wildland" for fire purposes, covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are significantly lacking.
2. The 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 difficult terrain and explosive 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, average load demand and peak load demand of energy used in San Diego County is an important factor concerning public safety and 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; 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 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 2019 California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

The California Administrative Code, 2019 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 2019 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 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the 2019 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 Edition, 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 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 Standards Code, 2019 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 Development Services Director or designee determines that a grading permit or public improvements is required until the Building Official is notified 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 of Encinitas shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City of Encinitas 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 113.1 is hereby revised to read:

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.

8. Section 113.3 is hereby deleted.

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, 2019 Edition, are adopted.

23.12.040 Adoption of the 2019 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 2019 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations, a portion of the 2019 California Building Standards Code based on the International Residential Code, 2018 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 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 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 Director of Development Services or designee determines that a grading permit or public improvements is required until the Building Official is notified 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 of Encinitas shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless City of Encinitas 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 2019 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 2019 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2019 California Building Standards Code based on the National Electrical Code, 2017 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 2019 California Electrical Code, published by the California Building Standards Commission, which is based on the National Electrical Code, 2017 Edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, 02269.

23.12.060 Adoption of the 2019 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 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2019 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 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 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 2019 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 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the 2019 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 2018 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 2019 California Plumbing Code, published by the California Building Standards Commission, which is based on the Uniform Plumbing Code, 2018 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 2019 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 2019 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 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2019 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 California Energy Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, 2019 Edition, published by the California Energy Commission.

23.12.090 Adoption of the 2019 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 2019 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations, a portion of the 2019 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 2019 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 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations, a portion of the 2019 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq.

23.12.110 Adoption of the 2019 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 2019 California Green Building Standards Code, Part II, Title 24 of the California Code of Regulations, a portion of the 2019 California Buildings Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq., and the California Green Building Standards Code, 2019 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 2019 California Building Standards Code and any rules and regulations promulgated pursuant thereto, including the California Green Building Standards Code, 2019 Edition, published by the California Building Standards Commission.

B. Section 4.304.2 is hereby added to the 2019 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 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 2019 California Reference Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Reference Standards Code, 2019 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: 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.

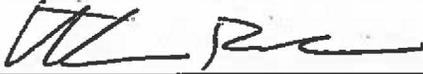
The City Clerk is directed to prepare and have published a summary of the Ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast.

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.

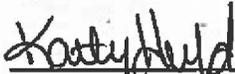
SECTION FIVE: INTRODUCTION.

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

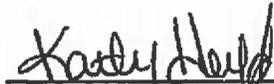

Leslie E. Devaney, City Attorney

CERTIFICATION:

I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing 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