ORDINANCE 529

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, ADOPTING ADDITIONS TO CHAPTER 15.23 (GREEN BUILDING CODE) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SOLANA BEACH MUNICIPAL CODE TO AMEND THE CALIFORNIA GREEN BUILDING STANDARDS CODE RELATED TO CLIMATE ACTION THROUGH BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, consensus exists among the world's leading climate scientists that climate change caused by greenhouse gas (GHG) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, the City of Solana Beach declared a Climate Emergency in 2020; and

WHEREAS, the City of Solana Beach adopted a Climate Action Plan (CAP) that directs the City in reducing approximately 70,000 metric tons of GHG emissions annually by the year 2035 to meet reduction goals consistent with California's GHG targets; and

WHEREAS, measures in the CAP aim to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

WHEREAS, reach codes that extend beyond the California Building Standards Code are being adopted by cities state-wide to accelerate GHG reductions from new construction through building electrification and electric vehicle (EV) infrastructure beyond state code requirements; and

WHEREAS, the City of Solana Beach wishes to adopt a reach code ordinance with modifications to enhance building electrification and EV infrastructure within the City as part of Title 15 of the Municipal Code; and

WHEREAS, the 2022 California Building Standards Code adopted by the California Building Standards Commission has set minimum Green Building Standards and, within the code, expressly states that the standards are viewed as "minimal" and that local governmental entities retain discretion, pursuant to Health and Safety Code Section 17958, to exceed the standards established by such 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(b); and

WHEREAS, California Building Standards Code, Title 24, Part 11, Section 101.7.1 provides that local climatic, geological, or topographical conditions include environmental conditions established by a city, county, or city and county; and

WHEREAS, as required by Health and Safety Code Section 17958, the City of Solana Beach 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 the following climatic, topographic or geological features existing in the City of Solana Beach:

1. The City has over 1.7 miles of beaches, a creek, 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 degrees **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, inland terrain. Approximately 50% of the area, for fire purposes, is "wildland," covered by native vegetation on steep inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. 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 topography of the City is such that its boundaries enclose an area of 3.5 square miles that is mostly built out. As such, construction activity in the City is dominated by residential and commercial remodeling projects that significantly alter original or existing building structures rather than by new development and construction projects. The building code needs to address these significant modifications to the existing building stock.

6. 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.

7. Amendments to the California Green Building Standards are reasonably necessary to promote energy efficiency and conservation in the City, 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.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does ordain as follows:

SECTION 1. FINDINGS.

The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

SECTION 2. ENVIRONMENTAL REVIEW.

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines (14 CCR 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment.

SECTION 3. ADDITION OF SECTIONS 15.23.020 THROUGH 15.23.060 TO THE SOLANA BEACH MUNICIPAL CODE.

Sections 15.23.020 through 15.23.070 of the Solana Beach Municipal Code are hereby repealed in their entity. Sections 15.23.020 through 15.23.060 are hereby added to amend the 2022 California Building Standards Code, California Code of Regulations, Title 24, Part 11 and shall read as follows:

15.23.020 Applicability

The requirements of this Chapter shall apply at the time of building permit application for all newly constructed buildings, as defined in Title 24, Part 2, Chapter 2, Section 202 of the California Code of Regulations, as amended by Solana Beach Municipal Code Section 15.22.030.

15.23.030 Definitions

For purposes of this Chapter, the following definitions shall apply:

MIXED-FUEL BUILDING. A building that is plumbed for the use of natural gas or propane as fuel for any system. Portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances, that are not connected to any fuel gas infrastructure, are not considered as plumbed for propane.

NEWLY CONSTRUCTED or NEW CONSTRUCTION shall have the meaning as defined in Title 24, Part 2, Chapter 2, Section 202 of the California Code of Regulations, as amended by Solana Beach Municipal Code Section 15.22.030.

15.23.040 Required Electric End Uses

Section 4.504.6 Required Electric End Uses, is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.6 Required Electric End Uses. All newly constructed residential and motel/hotel buildings shall use electricity as the source of energy for all space heating, water heating (including pools and spas), and clothes drying appliances and equipment.

Exception: Solar thermal systems for pool, spa heating, domestic hot water, service hot water and space heating.

Section 5.504.6 Required Electric End Uses, is hereby added to the 2022 California Green Building Standards Code to read:

Section 5.504.6 Required Electric End Uses. All newly constructed nonresidential buildings shall use electricity as the source of energy for all space heating, water heating (including pools and spas), and clothes drying appliances and equipment.

Exception: Solar thermal systems for pool, spa heating, domestic hot water, service hot water and space heating.

15.23.050 Electric-Readiness and Energy Storage Prewiring

Section 4.504.7 Electric-Readiness is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.7 Electric-Readiness. In newly constructed mixed-fuel residential and hotel/motel buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system or appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows:

1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane equipment shall meet the requirements of the California Energy Code, Title 24, Part 6, Section 150.0(u).
2) Stand Alone Cooking Oven. Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
    a. A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
    b. The electrical receptacle shall be labeled with the words "For Future Electric Oven" and be electrically isolated; and
    c. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Oven".
3) Any other gas appliances and equipment shall be deemed electric ready by a licensed design professional associated with the project, who shall provide calculations and documentation that the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment.

Section 4.504.8 Energy Storage Pre-wiring is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.8 Energy Storage Pre-wiring

1. All newly constructed hotel and motel buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 140.10(b), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6,

Section 120.11, as amended.

2. All newly constructed high-rise residential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 170.2(h), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.

3. All newly constructed low-rise residential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements as otherwise specified for high-rise residential buildings in the California Energy Code, Title 24, Part 6, Section 170.2(h), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.

Section 5.504.7 Electric-Readiness is hereby added to the 2022 California Green Building Standards Code to read:

Section 5.504.7 Electric-Readiness. In newly constructed nonresidential buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system and for appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows:

1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane equipment shall meet the requirements of the California Energy Code, Title 24, Part 6, Section 150.0(u).
2) Stand Alone Cooking Oven. Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
    a. A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
    b. The electrical receptacle shall be labeled with the words "For Future Electric Oven" and be electrically isolated; and
    c. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Oven".

3) Any other gas appliances and equipment shall be deemed electric ready by a licensed design professional associated with the project, who shall provide calculations and documentation that the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment.

Section 5.504.8 Energy Storage Pre-wiring is hereby added to the 2022 California Green Building Standards Code to read:

All newly constructed nonresidential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 140.10(b), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.

15.23.060 Electric Vehicle Charging

The first paragraph of Section A4.106.8 and the entirety of Section A4.106.8.1, as amended herein, are hereby added 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 Section 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 New one- and two-family dwellings and townhouses with 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. In addition, the circuit shall terminate at either a) a receptacle labeled "Electric Vehicle Outlet" with at least a½ inch font adjacent to the parking space, orb) electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes.

For each dwelling unit with two or more parking spaces, at least one EV Capable Space shall be provided.

All electrical components related to this section shall be installed in accordance with the *California Electrical Code.*

A4.106.8.1.1 Identification. The service panel or sub-panel circuit directory shall identify the overcurrent protective device(s) designated for EV charging as "EV CHARGER", "EV READY" or "EV CAPABLE", as the case may be, in accordance with the California Electrical Code.

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

4.106.4.4 EV Chargers.

For any newly constructed multifamily building, at least 25 percent of the total number of required parking spaces for all types of parking facilities, but in no case less than one, shall have electric vehicle supply equipment installed. Each such space shall be equipped with fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE. All of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

For any newly constructed hotel or motel building, at least 25 percent of the total number of required parking spaces for all types of parking facilities, but in no case less than one, shall have Level 2 electric vehicle supply equipment (EVSE) installed. Each such space shall be equipped with fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE. All of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

Section 5.106.5.3.2.1 Additional electric vehicle charging station (EVCS) requirements, is hereby added to the 2022 California Green Building Standards Code to read:

5.106.5.3.2.1 Additional electric vehicle charging station (EVCS) requirements.

For any newly constructed nonresidential building, at least 20 percent of the total number of required parking spaces for all types of parking facilities, but in no case less than one, shall have electric vehicle supply equipment installed. Each such space shall be equipped with

fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE. At least 35 percent of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Ordinance, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 5. PUBLICATION AND EFFECTIVE DATE.

Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933. This Ordinance shall become effective 30 days after its adoption and shall be in full force and effect 30 days after adoption, on January 1, 2023 or following filing with the California Building Standards Commission pursuant to applicable law, whichever is later.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California on the 22nd day of February 2023; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California on the _day of ____ 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk