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City Council Meeting: September 24, 2019 Santa Monica, California

ORDINANCE NUMBER 2617 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING ARTICLE VIII OF THE SANTA MONICA MUNICIPAL CODE BY ADOPTING THE 2019 CALIFORNIA ENERGY CODE AND 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE SANTA MONICA LOCAL AMENDMENTS TO SUCH CODES TO REQUIRE HIGHER ENERGY PERFORMANCE FOR NEWLY CONSTRUCTED BUILDINGS

WHEREAS, the California State Building Standards Commission approved and published the 2019 edition of the California Building Standards Code on July 1, 2019, and such code will be effective 180 days thereafter, which is January 1, 2020; and

WHEREAS, the 2019 California Building Standards Code includes the 2019 California Energy Code and the 2019 California Green Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 provide that the City may make changes or modifications to the building standards contained in the California Building Standards Code based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Section 101.7.1 of the 2019 California Green Building Standards Code provides that for the purposes of local amendments to the 2019 California Green Building Standards Code, local climatic, topographical, or geological conditions include local environmental conditions as established by the City; and

WHEREAS, the Council has adopted a resolution making express findings, in accordance with Health and Safety Code Sections 17958.5, 17958.7, and 18941.5, that the local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code, are reasonably necessary because of local climatic, geological, topographic, and environmental conditions; and

WHEREAS, consistent with the City's Climate Action & Adaptation Plan, the local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code establish requirements to increase energy efficiency and the use of renewable energy, including in particular solar energy, which will reduce demands for local energy and resources, reduce regional pollution, and promote a lower contribution to greenhouse gases; and

WHEREAS, cost effectiveness studies prepared by the California Statewide Investor Owned Utilities Codes and Standards Program in conjunction with consultants and cities (collectively known as the "Reach Code Team"), demonstrate that the local amendments are cost-effective and do not result in buildings consuming more energy than is permitted by the 2019 California Energy Code; and

WHEREAS, local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code were the subject of three public stakeholder workshops conducted on April 24, May 16, and June 11, 2019, at which attendees included architects, energy modelers, designers, builders, developers, and residents; and

WHEREAS, on August 14, 2019, the City's Building and Fire Life Safety Commission met and unanimously determined to recommend that the City Council adopt a resolution making necessary local findings and adopt local amendments to the 2019

California Building Standards Code, including the 2019 California Energy Code and 2019 California Green Building Standards Code; and

WHEREAS, on September 3, 2019, the City's Task Force on the Environment met and unanimously recommended that the City Council approve this ordinance adopting local findings and local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code; and

WHEREAS, once adopted by the City Council, the local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code will, in accordance with Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the 2019 California Administrative Code (Title 24, Part 1), be submitted to the California Energy Commission for approval, following which approval the local amendments will be returned to the City Council for final adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Purpose

It is the purpose and intent of this Ordinance to adopt the 2019 California Energy Code (Title 24, Part 6) and the 2019 California Green Building Standards Code (Title 24, Part 11), along with local modifications and changes that provide local, cost-effective standards for new residential, non-residential, and hotel and motel buildings that exceed the minimum standards of the 2019 California Energy Code and 2019 California Green Building Standards Code to achieve energy savings, reduce local pollution, and reduce greenhouse gas emissions.

SECTION 2. Chapter 8.36 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.36 Energy Code

8.36.010 Adoption.

That certain document entitled “2019 Building Energy Efficiency Standards—Standards for Residential and Nonresidential Buildings” which adopts Part 6 of Title 24 and Part 1, Chapter 10 of Title 24 of the California Code of Regulations, as published by the California Building Standards Commission and the California Energy Commission, is hereby adopted as the Energy Code of the City of Santa Monica.

8.36.012 Local Amendments

Notwithstanding any provisions of the 2019 California Energy Code, 2019 California Green Building Standards Code, or other codes adopted by any Chapter in Article VIII of the Municipal Code to the contrary, the local amendments to the Energy Code set forth in this Chapter shall apply.

8.36.015 Additional Definitions

In addition to definitions set forth in Section 100.1(b) of the 2019 California Energy Code, the following definitions shall apply:

(a) All-Electric Building or All-Electric Design. A building or building design that uses a permanent supply of electricity as the source of energy for space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.

(b) Certified Energy Analyst. A person who is certified by the California Association of Building Energy Consultants (CABEC) as a Certified Energy Analyst (CEA) and is in good standing with CABEC as of the date of submission of a Certificate of Compliance as required under Section 10-103 of the 2019 California Energy Code. A CEA in good standing is listed in the CABEC CEA Roster as "Active-Current."

(c) Mixed-Fuel Building or Mixed-Fuel Design. A building or building design that uses natural gas or propane as fuel for space heating, water heating (including pools and spas), cooking appliances or clothes drying appliances, or is plumbed for such equipment.

8.36.020 Energy Efficiency and Solar Photovoltaic Requirements – Low-rise Residential Buildings

(a) All-Electric Buildings. All new all-electric low-rise residential buildings shall be designed to code established by the 2019 California Energy Code.

(b) Mixed-Fuel Buildings. All new mixed-fuel low-rise residential buildings shall meet all requirements for mixed-fuel designs as specified for CalGreen Tier 1 under the 2019 California Green Building Standards Code, Title 24, Part 11, Appendix A4 Residential Voluntary Measures Division A4.203 –Performance Approach for Newly Constructed Buildings.

(c) Solar Photovoltaic Requirement. All new low-rise residential buildings shall have a photovoltaic (PV) system meeting the minimum qualification requirements as specified in Joint Appendix JA11 to the 2019 California Energy Code, with annual electrical output equal to or greater than the dwelling's annual electrical usage as determined by Equation 150.1-C of the 2019 California Energy Code, using the CFA and

Dwelling Adjustment Factors for Climate Zone 6 from Table 150.1-C of the 2019 California Energy Code, as follows:

EQUATION 150.1-C ANNUAL PHOTOVOLTAIC ELECTRICAL OUTPUT:

$kW_{PV} = (CFA \times 0.594)/1000 + (Ndwell \times 1.23)$

WHERE:

kW_{PV} = kWdc size of the PV system

CFA = Conditioned floor area

Ndwell = Number of dwelling units

(d) Certified Energy Analyst Requirement. For all new low-rise residential buildings, the Certificate of Compliance described in Section 10-103 of the 2019 California Energy Code shall be prepared and signed by a Certified Energy Analyst (CEA) as the Documentation Author.

8.36.030 Energy Efficiency and Solar Photovoltaic Requirements – High-rise Residential, Non-residential, and Hotels and Motels Buildings

(a) All-Electric Buildings. All new all-electric high-rise residential, non-residential, and hotel and motel buildings shall be designed to code established by the 2019 California Energy Code.

(b) Mixed-Fuel Buildings.

(i) All new mixed-fuel non-residential buildings shall be designed to use ten percent less energy than the allowed energy budget established by the 2019 California Energy Code.

(ii) All new mixed-fuel high-rise residential and hotel and motel buildings shall be designed to use five percent less energy than the allowed energy budget established by the 2019 California Energy Code.

(c) Solar Photovoltaic Requirement. The minimum solar photovoltaic system required for all new high-rise residential, non-residential, and hotel and motel buildings is 2 watts per square foot of the building footprint.

(d) Certified Energy Analyst Requirement. For all new high-rise residential, non-residential, and hotel and motel buildings, the Certificate of Compliance described in Section 10-103 of the 2019 California Energy Code shall be prepared and signed by a Certified Energy Analyst as the Documentation Author.

(e) Exemptions. The Building Official may, at their discretion, waive or reduce the requirements set forth in this Section 8.36.030 for buildings that are uninhabitable and consist solely of unconditioned space.

SECTION 3. Chapter 8.106 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.106 GREEN BUILDING STANDARDS CODE

8.106.010 Adoption.

That certain document entitled “California Green Building Standards Code, 2019 Edition,” as published by the California Building Standards Commission, is hereby adopted as the Green Building Standards Code of the City of Santa Monica.

8.106.020 Local Amendments to the California Green Building Standards Code.

Notwithstanding any provisions of the 2019 California Green Building Standards Code, 2019 California Energy Code, or other codes adopted by any Chapter in Article VIII of the Municipal Code to the contrary, the following local amendments shall apply.

8.106.050 Additional Definitions.

In addition to definitions set forth in Section 202 of the 2019 California Green Building Standards Code, the following definitions shall apply:

(a) Major Addition. The addition to any building of either (1) an additional story or (2) additional floor area equal to or greater than fifty percent of the building’s existing floor area prior to the addition.

(b) Sustainability. Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.

(c) Unshaded Area. Area(s) where light emittance from the sun is unobstructed by fixed objects during the majority of daylight hours between March 21st and September 21st.

8.106.053 Green Building.

Section 301.1.1 of the 2019 California Green Building Standards Code is amended to read as follows:

301.1.1 Additions and Alterations. With the exception of Sections 4.201.4 and 4.201.5, which apply only to major additions to one-, two-, and multi-family dwellings (three stories or less), the mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings. The requirements shall apply only to and/or within the specific area of the addition or alteration.

8.106.055 Residential Solar and Pool Heating Requirements.

Section 4.201 of the 2019 California Green Building Standards Code is amended to read as follows:

4.201.3 Pool Heating.

(a) For new pool construction, if the pool is to be heated, an electric heat pump water heater or a solar thermal system shall be used for such heating.

4.201.4 Solar Photovoltaic Installation Requirements for Major Additions to One- and Two-Family Dwellings.

(a) All major additions to one- and two-family dwellings are required to install a solar electric photovoltaic (PV) system. The PV system installed

must have a minimum total wattage 1.5 times the square footage of the addition. (1.5 watts per square foot)~~;~~

(b) The requirements of this Section shall be waived or reduced, by the minimum extent necessary, where: (i) production of electric energy from solar panels is technically infeasible due to lack of available and feasible unshaded areas; (ii) the PV system size required is less than 1,200 watts DC; or (iii) the dwelling has an existing functioning grid-tied PV system meeting the electrical utility's interconnection requirements.

(c) The requirements of this Section shall take priority if there is a conflict between compliance with Section 4.201.3 through use of a solar thermal system and compliance with this Section.

4.201.5 Solar Photovoltaic Installation Requirements for Major Additions to Multi-Family Dwellings (3 stories or less).

(a) All major additions to multi-family dwellings are required to install a solar electric photovoltaic (PV) system. The required installation of the PV system shall be implemented by installing a solar PV system with a minimum total wattage 2.0 times the square footage of the footprint of the addition (2.0 watts per square foot).

(b) The requirements of this Section shall be waived or reduced, by the minimum extent necessary, where: (i) production of electric energy from solar panels is technically infeasible due to lack of available and feasible unshaded areas; (ii) the PV system size required is less than 1,200

watts DC; or (iii) the dwelling has an existing functioning grid-tied PV system meeting the electrical utility's interconnection requirements.

(c) The requirements of this Section shall take priority if there is a conflict between compliance with Section 4.201.3 through use of a solar thermal system and compliance with this Section.

8.106.070 Flashing Details.

Section 4.407.1 of the 2019 California Green Building Standards Code is amended to read as follows:

4.407.1 Flashing Details. Provide flashing details on the building plans which comply with accepted industry standards or manufacturer's instructions. Details are shown on the house plans at all of the following locations:

1. Around windows and doors.
2. Roof valleys.
3. Deck connections to the structure.
4. Roof-to-wall intersections.
5. Chimneys to roof intersections.
6. Drip caps above windows and doors with architectural projections.
7. Other locations as identified by the Building Officer.

8.106.080 Non-Residential, High-Rise Residential, Hotels and Motels Solar and Pool Heating Requirements.

Section 5.201 of the 2019 California Green Building Standards Code is amended to read as follows:

5.201.3 Pool Heating – Non-Residential, High-Rise Residential, and Hotels and Motels Buildings.

(a) For new pool construction, if the pool is to be heated, an electric heat pump water heater or a solar thermal system shall be used for such heating.

5.201.4 Solar Photovoltaic Installation Requirements for Major Additions to Non-Residential, High-Rise Residential, and Hotels and Motels Buildings.

(a) All major additions to non-residential, high-rise residential, and hotel and motel buildings are required to install a solar electric photovoltaic (PV) system. The PV system installed must have a minimum total wattage 2.0 times the square footage of the footprint of the addition (2.0 watts per square foot).

(b) The requirements of this Section shall be waived or reduced, by the minimum extent necessary, where: (i) production of electric energy from solar panels is technically infeasible due to lack of available and feasible unshaded areas; (ii) the PV system size required is less than 1,200 watts DC; or (iii) the dwelling has an existing functioning grid-tied PV system meeting the electrical utility's interconnection requirements.

(c) The requirements of this Section shall take priority if there is a conflict between compliance with Section 5.201.3 through use of a solar thermal system and compliance with this Section.

8.106.100 Electric Vehicle Charging.

Electric vehicle charging for new residential and hotel and motel buildings is governed by Sections 4.106.4 through 4.106.4.3.6 of the Green Building Standards Code. Electric vehicle charging for new non-residential buildings is governed by Sections 5.106.5.3 through 5.106.5.3.5 of the Green Building Standards Code.

SECTION 4. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any 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 this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of the Ordinance. The City Clerk shall cause the same to be published once in the official

newspaper within 15 days after its adoption. This Ordinance shall become effective January 1, 2020. Building permit applications submitted on or after the effective date of this Ordinance shall be required to comply with the requirements set forth herein.

APPROVED AS TO FORM:

DocuSigned by:

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LANE DILG
City Attorney

Approved and adopted this 24th day of September, 2019.

DocuSigned by:
8FE4004DAD0B40B...
Gleam Davis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2617 (CCS) had its introduction on September 10, 2019, and was adopted at the Santa Monica City Council meeting held on September 24, 2019, by the following vote:

AYES: Councilmembers Morena, McKeown, Himmelrich, Winterer, Jara, Mayor Pro Tem O'Day, Mayor Davis

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:
E2E85B056A714C3...
Denise Anderson-Warren, City Clerk

10/3/2019
Date

A summary of Ordinance No. 2617 (CCS) was duly published pursuant to California Government Code Section 40806.