

DOCKETED

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Santa Monica, California

RESOLUTION NUMBER 11197 (CCS)

(City Council Series)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
MAKING FINDINGS REGARDING LOCAL CLIMATIC, GEOLOGICAL,
TOPOGRAPHICAL, AND ENVIRONMENTAL CONDITIONS PURSUANT TO
CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 17958.7 AND 18941.5

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 Buildings 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, on or about September 20, 2016, the State of California enacted Senate Bill (SB) 32, which added Health and Safety Code Section 38566 to require

greenhouse gas emissions to be reduced to 40 percent below 1990 levels by no later than December 31, 2030; and

WHEREAS, the City of Santa Monica is committed to reducing greenhouse gas emissions in accordance with the United States' original commitment to the Paris Climate Accord; and

WHEREAS, consistent with its May 2019 Climate Action & Adaptation Plan ("CAAP"), the City of Santa Monica is committed to establishing 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, based upon the findings contained in this Resolution, the City Council will be adopting an ordinance making local amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code that are reasonably necessary based upon local climatic, geological, topographical, and environmental conditions; 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;

NOW, THEREFORE, the City of Santa Monica does resolve as follows:

SECTION 1. The City Council makes the following findings regarding local climatic, geological, topographical, and environmental conditions related to the local

amendments to the 2019 California Energy Code and 2019 California Green Building Standards Code described in Section 2 below:

(a) Santa Monica is situated in Southern California, which has extreme arid conditions and periods of severe drought. (Climatic and Environmental)

(b) The Master Environmental Assessment (“MEA”) adopted in April 1996, shows that Santa Monica’s climate is primarily influenced by the Pacific Ocean and is characterized by infrequent rainfall and winds. The winds originate from the west during the day and from the north and northeast during the night. Further, intermittent Santa Ana winds conditions occur from September to March allowing conditions that create the potential for high velocity winds with high temperatures. In addition, the region is within a climate system capable of producing major wind, fire, and rain-related disasters, including but not limited to those caused by the Santa Ana winds and El Nino (or La Nina) subtropical-like weather. (Climatic and Environmental)

(c) The greater Los Angeles region, including Santa Monica, is a densely populated area having buildings constructed within a region where environmental resources are scarce due to varying and occasional immoderate temperatures and weather conditions. This local condition also challenges the demand and need for energy resources from the local utilities. (Climatic and Environmental)

(d) Intermittent, immoderate climatic conditions due to wind, fog, rain, heatwave and humidity cause a higher demand for energy resources and greater needs (i) for energy conservation through the construction of building systems and equipment usage and (ii) to supplement building electrical systems with renewable energy sources. (Climatic and Environmental)

(e) Where climatic conditions in Santa Monica create demands for higher usage of energy and natural resources, measures that allow conservation and efficiencies in construction will promote practices to achieve these goals. (Climatic and Environmental)

(f) As set forth in the CAAP, as a result of climate change, extreme heat events in California and the Los Angeles region are becoming more frequent, more intense, and longer lasting, with the trend expected to continue as climate change worsens. Extreme heat can exacerbate heat-related illnesses and deaths, particularly among vulnerable populations such as the homeless, elderly, infants, and individuals with chronic illnesses, while also affecting communities indirectly through energy disruption and spikes in energy prices, impacting affordability. (Climatic and Environmental)

(g) As also set forth in the CAAP, climate change is likely to alter rainfall patterns, increasing the variability in the already wide swings in precipitation from year to year, with even wider fluctuations between wet years and dry years, and increased duration and severity of droughts. As a result, the City of Santa Monica is likely to be subject to more severe weather events, including droughts as well as more intense storms that increase the risks of wildfire, erosion, overland local flooding and landslides. (Climatic and Environmental)

(h) As noted in the December 2018 Sustainable Water Master Plan Update (“SWMP”), Santa Monica currently receives approximately 70-75% of its water from ground water sources beneath the City. As noted in the Safety Element of Santa Monica’s General Plan, adopted in January 1995, subsidence, as well as saltwater

intrusion has occurred along coastal areas to the south of the City, though, to date, no subsidence or saltwater intrusion has been reported within the City. (Geological and Environmental)

(i) As noted in the SWMP, climate change is expected to test the City's ability to sustainably manage its water resources. In particular, if current projections of climate change caused sea level rise are proven to be accurate, saltwater intrusion may be expected to change the quality of the shallow groundwater zones immediately adjacent to the coast and those low-lying areas where wave run-up would likely be higher. Failure to address and significantly reduce greenhouse gas ("GHG") emissions could result in exacerbated rises in sea level, increasing the risk posed by saltwater intrusions to shallow groundwater along the coast and potentially posing a risk of saltwater intrusion that would affect even the more inland wellfields from which the city draws the majority of its groundwater. (Climatic and Environmental)

(j) As noted in the CAAP, if current projections of climate change caused sea level rises are proven to be accurate, miles of transportation and public and private utilities infrastructure, beaches, homes, and businesses bear some risk from sea level rise and coastal flooding. Failure to address and significantly reduce GHG emissions could result in exacerbated rises in sea level that could put even more Santa Monica homes, businesses, and public facilities at risk from sea level rise and coastal flooding. (Climatic and Environmental)

(k) As noted in the CAAP, in February 2019, the Clean Power Alliance of Southern California started serving Santa Monica residents with electricity sourced from a higher content of renewable energy sources, with the result that as of May 2019 Santa

Monica residents and businesses receive a default 100% renewable electricity.

(Climatic and Environmental)

(l) The local amendments to promote all-electric construction and require increased efficiency for mixed-fuel construction will increase energy efficiency and the use of renewable energy, which will reduce demands for local energy and resources, reduce regional pollution, promote a lower contribution to GHG emissions, and increase resilience to ongoing climate change. (Climatic and Environmental)

(m) The local amendments requiring Certificates of Compliance to be prepared and signed by a Certified Energy Analyst will provide greater certainty that representations regarding building compliance with energy and green building standards are accurate, and in doing so will increase energy efficiency and the use of renewable energy, which will reduce demands for local energy and resources, reduce regional pollution, promote a lower contribution to GHG emissions, and increase resilience to ongoing climate change. (Climatic and Environmental)

(n) The local amendments requiring solar thermal or electric heat pump pool heating systems will 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, promote a lower contribution to GHG emissions, and increase resilience to ongoing climate change. (Climatic and Environmental)

(o) The local amendments requiring solar photovoltaic installations for major additions will 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, promote a lower contribution to GHG emissions, and increase resilience to ongoing climate change. (Climatic and Environmental)

(p) The greater Los Angeles region, including Santa Monica, is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the 1994 Northridge Earthquake. (Geological and Environmental)

(q) Existing lots in the City of Santa Monica may be located on hilly terrain with slopes that create grading, drainage, foundation, infrastructure, utility and emergency access challenges. (Topographical)

(r) The Safety Element of Santa Monica's General Plan, adopted in January 1995, shows that Santa Monica is an area at high risk of seismic activity due to, among other fault systems, the Santa Monica, Newport-Inglewood, and San Andreas fault systems, the close proximity of which increases the likelihood of seismic disturbances of substantial magnitude. As the Safety Element notes, one risk posed by seismic disturbances is to natural gas pipelines that extend through areas of high liquefaction potential, cross active or potentially active faults, or traverse areas that may settle differentially during an earthquake. (Geological and Environmental)

(s) The local amendments to promote all-electric construction and require increased efficiency for mixed-fuel construction will reduce the potential for gas leaks, explosions, and fires, and so limit or reduce property damages during a seismic event. (Geological and Environmental)

SECTION 2. The City Council expressly finds that the following modifications and changes to the 2019 California Energy Code and 2019 California Green Building Standards Code are reasonably necessary because of the local geological, climatic, topographical, and/or environmental conditions, and that the local conditions detailed in Section 1 above apply to the following modifications and changes to the 2019 California Energy Code and 2019 California Green Building Standards Code, as follows:

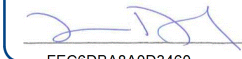
No.	Municipal Code Section(s)	Amendment Summary	Justification from Section 1 of this Resolution	Local Conditions
1	8.36.015 & 8.36.020	<p>If pursuing a mixed-fuel pathway, all new low-rise residential buildings shall meet all the requirements for mixed-fuel designs as specified for CalGreen Tier 1 under 2019 California Green Building Standards Code, Title 24, Part 11, Appendix A4 Residential Voluntary Measures Division A4.203 –Performance Approach for Newly Constructed Buildings.</p> <p>For all new low-rise residential buildings, the Certificate of Compliance described in Section 10-103 of the California Building Energy Efficiency Standards shall be prepared and signed by a Certified Energy Analyst (CEA) as the Documentation Author.</p>	(a) through (m), (p) through (s)	Climatic, Geological, Topographical, Environmental
2	8.36.015 & 8.36.030	<p>If pursuing a mixed-fuel pathway, all new non-residential buildings shall be designed to use ten percent less energy than the allowed energy budget established by the 2019 California Energy Code.</p>	(a) through (m), (p) through (s)	Climatic, Geological, Topographical, Environmental

No.	Municipal Code Section(s)	Amendment Summary	Justification from Section 1 of this Resolution	Local Conditions
		<p>If pursuing a mixed-fuel pathway, all new high-rise residential buildings, hotels, and motels shall be designed to use five percent less energy than the allowed energy budget established by the 2019 California Energy Code.</p> <p>For all new non-residential, high-rise residential, hotels and motel buildings, the Certificate of Compliance described in Section 10-103 of the California Building Energy Efficiency Standards shall be prepared and signed by a Certified Energy Analyst as the Documentation Author.</p>		
3	8.36.030(c)	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.	(a) through (k), (o) through (s)	Climatic, Geological, Topographical, Environmental
4	8.106.055 (adding 4.201.3)	For new pool construction (low-rise residential), if the pool is to be heated, an electric heat pump water heater or a solar thermal system shall be used.	(a) through (k), (n), (p) through (s)	Climatic, Geological, Topographical, Environmental
5	8.106.080 (adding 5.201.3)	For new pool construction (non-residential, high-rise residential, hotels and motels), if the pool is to be heated, an electric heat pump water heater or a solar thermal system shall be used.	(a) through (k), (n), (p) through (s)	Climatic, Geological, Topographical, Environmental
6	8.106.055 (adding 4.201.4)	All major additions to one and two-family dwellings are required to install a solar electric photovoltaic (PV) system 1.5	(a) through (k), (o) through (s)	Climatic, Geological, Topographical, Environmental

No.	Municipal Code Section(s)	Amendment Summary	Justification from Section 1 of this Resolution	Local Conditions
		watts per square foot of the addition.		
7	8.106.055 (adding 4.201.5)	All major additions to multi-family dwellings are required to install a solar electric photovoltaic (PV) system with a minimum total wattage 2.0 times the square footage of the footprint of the addition.	(a) through (k), (o) through (s)	Climatic, Geological, Topographical, Environmental
8	8.106.080 (adding 5.201.4)	All major additions to non-residential, high-rise residential, and hotel and motel buildings are required to install a solar electric photovoltaic (PV) system with a minimum total wattage 2.0 times the square footage of the footprint of the addition.	(a) through (k), (o) through (s)	Climatic, Geological, Topographical Environmental

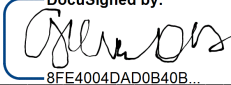
SECTION 3. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:

DocuSigned by:

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LANE DILG
 City Attorney

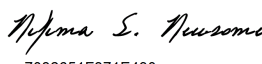
Adopted and approved this 10th day of September 2019.

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Glean Davis, Mayor

I, Nikima S. Newsome, Assistant City Clerk of the City of Santa Monica, do hereby certify that Resolution No. 11197 (CCS) was duly adopted at a meeting of the Santa Monica City Council held on the 10th day of September 2019, by the following vote:

- AYES: Councilmembers Himmelrich, Jara, Winterer
Mayor Davis, Mayor Pro Tem O'Day
- NOES: None
- ABSENT: Councilmembers McKeown, Morena

ATTEST:

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Nikima S. Newsome, Assistant City Clerk