

**DOCKETED**

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<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	236009-4
<b>Document Title:</b>	City of Chula Vista-2019 Ordinance Number 2020-3495
<b>Description:</b>	Plain text of the City of Chula Vista-2019 Ordinance Number 2020-3495
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	12/18/2020

ORDINANCE NO. 3495

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE  
TO ESTABLISH ENERGY UPGRADE REQUIREMENTS FOR  
ADDITIONS AND REMODELS TO SINGLE FAMILY HOMES  
AND CONDOS

WHEREAS, through its 2017 Climate Action Plan, the City committed to reducing greenhouse gas emissions to below six metric tons CO<sub>2</sub>e per capita by 2030 and two metric tons CO<sub>2</sub>e per capita by 2050; and

WHEREAS, as presented in a citywide 2016 greenhouse gas inventory, Chula Vista's greenhouse gas emissions are 12% below the 2005 but emissions from building energy increased by 3% since 2014; and

WHEREAS, as a result, the City Council directed staff to convene a Climate Change Working Group (CCWG) to develop recommendations to reduce the community's greenhouse gas emissions; and

WHEREAS, the CCWG recommended twelve climate protection measures, including requiring energy-savings retrofits in existing buildings at a specific point in time, which were included in the 2017 Climate Action Plan; and

WHEREAS, on September 26, 2017, City Council adopted the 2017 Climate Action Plan and directed staff to implement the measures based on funding levels; and

WHEREAS, as a component of the 2017 Climate Action Plan, staff proposed developing a residential and commercial energy conservation ordinance for City Council consideration; and

WHEREAS, staff is presenting to Council an ordinance amending Chapter 15. 26 of the Municipal Code and adding Section 15.26.040 requiring single family homes built before 2006 that are undergoing additions to also install certain energy saving measures; and

WHEREAS, pursuant to the California Administrative Code, Title 24, Part I, Section 10-106, Locally Adopted Energy Standards, and the CEC's submittal and approval process, the City finds that the requirements below will save energy and are cost-effective within the City of Chula Vista; and

WHEREAS, pursuant to Sections 17958 and 18941 of the Health and Safety Code, before making any modifications to the California Building Standards Code, the City must make an express finding that such modifications are reasonably necessary because of local climatic, geological or topographical conditions. Modifications to the California Building Standards and Building Energy Efficiency Standards, as detailed in this Ordinance, are reasonably necessary due to local climatic conditions. As a result of high summer ambient temperatures and periods of heat

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waves, average load demand and peak load demand of energy used in Chula Vista is an important factor concerning public safety and adverse economic impacts of power outages or power reductions. Reduction of total and peak energy use, as a result of incremental energy conservation measures required by this Ordinance, will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity and a reduction in greenhouse gas emissions;and

WHEREAS, the City affirms that the requirements below will require buildings to be designed to consume no more energy than permitted by California Energy Code; and

WHEREAS, this Ordinance is intended to preserve and enhance the environment of the City of Chula Vista and is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines, because there is no possibility that the ordinance may have a significant negative impact on the environment. The proposed ordinance is exempt from the requirements of CEQA pursuant to Section 15308 of the CEQA Guidelines, which exempts actions taken by regulatory agencies for the enhancement and protection of the environment.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

#### **Section I.**

Chapter 15.26 of the Chula Vista Municipal Code is hereby amended by addition of section 15.26.040 as follows:

#### **15.26.040 Mandatory Energy Efficiency Requirements for Additions to Single Family Homes and Condos**

*A. Purpose and Intent.* It is the purpose and intent of this section to require installation of specific energy efficiency measures in less energy efficient homes, when such homes undertake additions or remodels, in order to reduce GHG emissions resulting from energy consumption.

*B. Applicability.* This section applies to dwelling units constructed before 2006, that are undergoing a permitted Addition or Remodel, either in Low-Rise Residential Buildings (as defined in Title 24 Part 6 Section 100.1) with 1-4 dwelling units, or that are individually owned residential condominiums and townhouses. EXCEPTION: This section shall not be triggered by creation of a new Accessory dwelling unit (ADU) or Junior accessory dwelling unit (JADU) alone. This section does apply to Additions to, or Remodels of, existing ADUs or JADUs.

*C. Definitions.* For purposes of this section, the following terms shall have the following meanings:

“Addition” See definition in Title 24 Part 6 Section 100.1(b).

“Compliance Report” A Certificate of Compliance generated by approved Energy Code compliance software, including CBECC-Res and EnergyPro.

“Condo” An individually owned residential unit within a building containing five or more dwelling units.

“Home” A residential building containing between one and four dwelling units.

“Remodel” Means any of the following:

1. Any change or rearrangement, other than a repair, of the structural elements of an existing building including foundations, footing, sub-floors, lintels, beams, columns, girders, slabs, roof trusses, staircases, load bearing walls, door frames, window frames, or any other part of the building that resists force or moment.
2. Change or rearrangement of the plan configuration of walls and full-height partitions of an existing building.

“Steep Slope” A roof slope greater than two units vertical in 12 units horizontal (17-percent slope).

“Total Energy Use” The energy consumption estimated by approved Energy Code compliance software, including CBECC-Res and EnergyPro, in terms of kTDV per square foot per year (kTDV/sf<sup>2</sup>-yr).

D. *Requirements.* The following requirements shall apply to the entire dwelling unit, not just the additional or altered portion. Where these requirements conflict with other energy code requirements, the stricter requirement shall prevail. Homes and Condos shall comply with either the Prescriptive Approach or the Performance Approach.

(1) Prescriptive Approach

- a. The Minimum Number of Energy Upgrade Measures shown below in Table 15.26.040(D)(1)(a) must be completed in accordance with the building type, construction date and climate zone.

**Table 15.26.040(D)(1)(a): Minimum Number of Energy Upgrade Measures**

Year Built	Building Type	Climate Zone 7	Climate Zone 10
Before 1978	Homes and Condos	Choose 3 Energy Upgrade Measures	Choose 4 Energy Upgrade Measures
1978-1991	Condos	Choose 3 Energy Upgrade Measures	
	Homes	Choose 2 Energy Upgrade Measures	
1992-2005	Homes and Condos	Choose 2 Energy Upgrade Measures	

- b. Additions or Remodels involving steep sloped roof replacement, recovering or recoating of either more than 50% or more than 2,000 square feet of roof area, or new steep sloped roof sections of any size, are also required to meet the Cool Roof requirements in Table 15.26.040(D)(1)(b) for the roofing material added to:
- i. Homes constructed pre-1978 in climate zone 7 or pre-2006 in climate zone 10.
  - ii. Condos constructed pre-1992 in climate zone 7 or pre-2006 in climate zone 10.
- c. Qualifying Energy Upgrade Measures that count toward satisfying the minimum indicated in Table 15.26.040(D)(1)(a) shall be chosen from the Prescriptive Energy Upgrade Measure List shown below in Table 15.26.040(D)(1)(c), and shall be completed in accordance with the specifications there-in. Materials must meet the parameters included below in Table 15.26.040(D)(1)(c) as a minimum. More energy efficient materials may be substituted.

**Table 15.26.040(D)(1)(c): Prescriptive Energy Upgrade Measure List (section references are to California Code of Regulations, Title 24, Part 6, Subchapter 8)**

Package	Specification
R-38 Attic Insulation	Add attic insulation in buildings with vented attic spaces to meet R-38 per requirements of section 150.1(c)1Aii or iii.
Air Sealing	Apply air sealing practices throughout all accessible areas of the building. All joints, penetrations and other openings in the building envelope that are potential sources of air leakage shall be caulked, gasketed, weather stripped, or otherwise sealed to limit infiltration and exfiltration. Buildings constructed before 1992 should be sealed to 7 Air Changes per Hour (ACH) and buildings constructed from 1992-2005 should be sealed to 5 ACH, at 50 Pascals pressure difference. Homes with one or more vented combustion appliances must have a BPI Combustion Appliance Safety Inspection performed after air sealing.
Cool Roof	For steep slope roofs, install a roofing product rated by the Cool Roof Rating Council (CRRC) with an aged solar reflectance of 0.25 or higher and thermal emittance of 0.75 or higher.
Duct Sealing	Air seal all ductwork to meet the requirements of Section 150.2(b)1E as if the heating system were being replaced.

LED Lighting	Replace screw-in halogen, incandescent or CFL light bulbs with LED light bulbs in accordance with the requirements of Section 150.0(k)1.A,D,G,H and I.
Water Heating Package	<p>1. Water Heater Blanket: Add R-6 insulation to the exterior of existing residential tank storage water heaters manufactured before April 2015. Requirement is waived for water heaters with internal tank insulation of at least R-16.</p> <p>2. Hot Water Pipe Insulation - Insulate all accessible hot water pipes with R-3 pipe insulation per requirements of section 150.0(j)2.A.</p> <p>3. Low Flow Fittings - Upgrade sink and shower fittings to meet current CALGreen requirements, which require maximum flow rates of 1.8 gallons per minute (gpm) for showerheads and kitchen faucets, and 1.2 gpm for bathroom faucets per requirements of section CALGreen Section 4.303.</p>
Windows	Replace existing single pane windows with a dual pane product, which has a U-factor equal to 0.32 or lower and a Solar Heat Gain Coefficient (SHGC) equal to 0.25 or lower. This measure was only evaluated for the pre-1978 vintage, which is assumed to have single-pane, metal-frame windows.
Water Heater Replacement	<p><u>High Efficiency Heat Pump Water Heater:</u> Replace natural gas storage water heater, or, tankless water heater having a Energy Factor of .81 or less, with Heat Pump Water Heater with Uniform Energy Factor (UEF) of at least 3.1 (Northwest Energy Efficiency Alliance Tier 3).</p> <p>-or-</p> <p><u>High Efficiency Tankless Water Heater:</u> Replace natural gas storage water heater, or, tankless water heater having an Energy Factor of .81 or less, with tankless water heater with a minimum Energy Factor of 0.96.</p>

Air Conditioner Replacement	<p><u>High Efficiency Air Conditioner:</u> Replace an existing air conditioner having a SEER rating of 13 or less with an air conditioner of at least 18 SEER.</p> <p>-or-</p> <p><u>High Efficiency Heat Pump:</u> Replace an existing air conditioner having a SEER rating of 13 or less with a Heat Pump of at least 18 SEER.</p>
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- d. Measure Already Completed. Where measures substantially similar to those specified in Table 15.26.040(D)(1)(c) are already in place, they shall count toward satisfaction of the Minimum Number of Energy Upgrade Measures in Table 15.26.040(D)(1)(a).
- e. Project Value Cutoff. If the cost of completing the Minimum Number of Energy Upgrade Measures in Table 15.26.040(D)(1)(a) is projected to exceed 20% of the projected cost of the Addition or Remodel absent those measures, permit applicants can propose a more limited set from among Prescriptive Energy Upgrade Measure List in Table 15.26.040(D)(1)(c) which does not exceed 20%. The limited set must include as many of the required measures as possible without exceeding the 20% cutoff.

(2) Performance Approach

- a. Complete any energy saving measures concurrent with Addition or Remodel that are projected to result in equivalent or lower energy usage than the Assumed Energy Upgrade Measures indicated in Table 15.26.040(D)(2)(a) below.

**Table 15.26.040(D)(2)(a): Assumed Energy Upgrade Measures for Performance Equivalency**

Year Built	Building Type	Climate Zone 7	Climate Zone 10
Before 1978	Homes and Condos	R38 Attic Insulation; Duct Sealing	Duct Sealing; R38 Attic; Air Sealing
1978-1991	Condos	Duct Sealing	
	Homes	N/A	
1992-2005	Homes and Condos	N/A	

- b. Shall be demonstrated by the following method.
  - i. Install the LED Lighting and Water Heater Blanket measures as specified in Table 15.26.040(D)(1)(c).
  - ii. Submit two compliance reports. One compliance report shall be generated from a model of the proposed energy performance measures, and, the existing home plus the proposed addition(s) and any other alterations. A second compliance report shall be generated by modeling the existing home with the Energy Upgrade Measures shown in Table 15.26.040(D)(2)(a) including proposed addition(s) and other alterations, but not including the proposed energy saving measures. The Total Energy Use for the first compliance report must be equal or less than that of the second compliance report.

E. *Exemptions.* The requirements of this Section 15.26.040 may be waived, in part or in whole, if any of the following conditions are met, to the satisfaction of the City Manager or designee:

- (1) *Technical Infeasibility.* Prescribed measure would be technically infeasible or not be cost-effective due to unique characteristics of home or other special circumstances.
  - a. Evidence requirement to show lack of cost effectiveness: Letter from certified energy professional attesting to the lack of cost effectiveness with explanation of methodology and calculation.
  - b. Evidence to show technical infeasibility: Letter from licensed building professional documenting infeasibility for one of the following reasons: inaccessibility, violation of other codes, low likelihood of success, measure would affect proper functioning of other building elements, result in safety risks, cause harm to building occupants.
- (2) *High Performing Home.* Home has earned a Home Energy Score of 8 or above within the previous 3 years.
- (3) *Fully Solar Powered.* Home is powered by a solar PV system offsetting at least 95% of the annual electricity demand and gas-equivalent energy consumption.
- (4) *Exempt Projects.* Additions or Remodels that would not otherwise be subject to this section but for work related to Solar PV, Solar water heating, EV charging, electrical upgrades for solar PV or EV charging, or energy storage are exempt.
- (5) *Homeowner's Association.* A measure is beyond the authority of the homeowner as defined in applicable Homeowner's Association (HOA) covenants, conditions or restrictions.



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(6) *Medical Necessity.* An Addition or Remodel consists solely of medically necessary improvements.

(7) *Low-Income.* If an applicant can demonstrate they qualify for low-income assistance as defined in Section 1-100 of the City's Master Fee Schedule.

F. *Implementation Authority.*

(1) The City Manager may adopt rules and regulations for the implementation of this section including, without limitation, supplementing the list of qualified measures set forth in table 15.26.040(D)(1)(c) as new energy efficient technologies or materials are developed.

**Section II. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**Section III. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section IV. Effective Date**

This ordinance shall take effect on the 30th day following approval by the California Energy Commission and not before January 10, 2021.

**Section V. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

DocuSigned by:  
*Eric Crockett*  
2FC559998BD74C4...

Eric C. Crockett  
Deputy City Manager/Director of Economic  
Development

DocuSigned by:  
*Glen Googins*  
CF40650850444BF...

Glen R. Googins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 3rd day of December 2020, by the following vote:

AYES: Councilmembers: Galvez, McCann, Padilla, and Casillas Salas

NAYS: Councilmembers: Diaz

ABSENT: Councilmembers: None

DocuSigned by:  
*Mary Casillas Salas*  
062BFD7C0386456...

Mary Casillas Salas, Mayor

ATTEST:

DocuSigned by:  
*Kerry K. Bigelow*  
3074D104EAF342E...

Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3495 had its first reading at a regular meeting held on the 17th day of November 2020, and its second reading and adoption at a regular meeting of said City Council held on the 3rd day of December 2020; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

12/14/2020

Dated

DocuSigned by:  
*Kerry K. Bigelow*  
3074D104EAF342E...

Kerry K. Bigelow, MMC, City Clerk