



## Development Services Department

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*Building Division*

November 10, 2009

Commissioner Arthur H. Rosenfeld Ph.D.  
Commissioner Julia Levin, J.D.  
California Energy Commission  
1516 Ninth Street  
Sacramento, Ca. 95814-5512

Re: City of Chula Vista Building Energy Efficiency Standards

Dear Commissioners Rosenfeld and Levin,

Per the request of Commission Staff, we would like to express to you our firm commitment to have the City enforce the current Title 24 Building Energy Efficiency Standards as part of the implementation of our local energy ordinance. As the Building Official, I will work with staff involved in energy plan review and field inspection to improve their working knowledge of the energy standards, including special training as needed which focuses on enforcement of the energy standards and the special requirements of the City's energy ordinance.

At its meeting of October 20, 2009, City Council made the determination that the increased energy efficiency standards required by the Ordinance will require the diminution of energy consumption levels permitted by the 2008 Building Energy Efficiency Standards and are determined to be cost effective based on a cost-effectiveness study by Gabel Associates, LLC. Council placed the Ordinance on first reading and directed staff to bring it to Council for second reading and adoption after CEC review and approval. See attached RECORD OF ACTION TAKEN AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ON OCTOBER 20, 2009.

Respectfully,

Lou El-Khazen, PE, CBO  
Building Official  
(619) 409-1960  
[lelkhazen@ci.chula-vista.ca.us](mailto:lelkhazen@ci.chula-vista.ca.us)



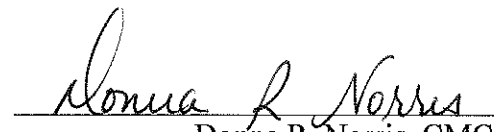
## Office of the City Clerk

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### RECORD OF ACTION TAKEN AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ON OCTOBER 20, 2009

The following is the action taken by the Chula Vista City Council at its meeting of October 20, 2009 regarding an Ordinance of the City of Chula Vista related to increased energy efficiency standards.

**ACTION:** Councilmember Castaneda moved to place the Ordinance of the City of Chula Vista Amending Chapter 15.26 of the Chula Vista Municipal Code and Adding Section 15.26.030, Increased Energy Efficiency Standards, attached hereto as Attachment 1, on first reading, with a referral to staff to analyze potential incentives to induce development through the phasing period. Councilmember Bensoussan seconded the motion, and it carried with the following vote: AYES: Bensoussan, Castaneda, Ramirez, Thompson and Cox; NAYS: None; ABSTENTIONS: None.

  
Donna R. Norris, CMC  
City Clerk  
City of Chula Vista

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF CHULA VISTA  
AMENDING CHAPTER 15.26 OF THE CHULA VISTA  
MUNICIPAL CODE AND ADDING SECTION  
15.26.030, INCREASED ENERGY EFFICIENCY  
STANDARDS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. Findings. The City Council finds as follows:

1. 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 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.
2. The increased energy efficiency standards required by Section 15.26.030 will require the diminution of energy consumption levels permitted by the 2008 Building Energy Efficiency Standards and are determined to be cost effective based on a cost-effectiveness study by Gabel Associates, LLC.

SECTION II. That Chapter 15.26 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Chapter 15.26**  
**ENERGY CODE**

Sections:

15.26.010 California Energy Code adopted by reference.

15.26.020 Outdoor lighting zones.

15.26.030 Increased Energy Efficiency Standards

**15.26.010 California Energy Code adopted by reference.**

The City of Chula Vista adopts, by reference, that certain document known as the California Energy Code, set forth in Title 24, Part 6, of the California Code of Regulations, as copyrighted by, and as may be amended from time to time by, the California Building Standards Commission. That California Energy Code is adopted as the energy code of the City of Chula Vista for the purpose of regulating building design

and construction standards to increase efficiency in the use of energy for new residential and nonresidential buildings, excepting such portions as are modified, or amended by this Chapter to exceed the California Energy Code, set forth in Title 24, Part 6. Chapter 15.06 CVMC shall serve as the administrative, organizational and enforcement rules and regulations for this Chapter.

**15.26.020 Outdoor lighting zones.**

Pursuant to Section 10-114 (c) of the California Code of Regulations, Title 24, Part 1, the city has adopted an outdoor lighting zones map amending state default lighting zones as applied to certain areas of the City. The location of outdoor lighting zones in the City are per the adopted Outdoor Lighting Zones Map, dated September 2, 2005 and kept on file with the City Planning and Building Department.

**15.26.030 Increased Energy Efficiency Standards**

- A. Scope. The provisions of this Section shall apply to all new residential construction, additions, remodels and alterations, and to all new non-residential construction, additions, remodels and alterations except as follows:
- a. Additions, remodels or alterations to existing low-rise (three stories or less) residential buildings where the addition, remodel or alteration is less than or equal to 1,000 square feet of conditioned floor area are exempt from the provisions of this Section.
  - b. Additions, remodels or alterations to existing high-rise residential (more than three stories), non-residential or hotel/motel buildings where the addition, remodel or alteration is less than or equal to 10,000 square feet of conditioned floor area are exempt from the provisions of this Section.

Compliance with the California Energy Code is always required even if the increased energy efficiency standards specified in this Section do not apply.

- B. Definitions. Terms used in this Section are as defined in the California Energy Code and Chapter 15.06, 19.06 and 19.48 of the Municipal Code.
- C. Requirements. In addition to the requirements of the California Energy Code, applications for building permits covered under Section 15.26.030 (A) shall comply with the following:
- a. For Climate Zone 7:
    - i. All new low-rise residential buildings or additions, remodels or alterations to existing low-rise residential buildings where the additions, remodels or alterations are greater than 1,000 square feet of conditioned floor area shall use at least 15.0% less TDV Energy than the 2008 Building Energy Efficiency Standards allows.
    - ii. All new non-residential, high-rise residential or hotel/motel buildings, or additions, remodels or alterations to existing non-residential, high-rise residential or hotel/motel buildings where the additions, remodels or alterations are greater than 10,000 square feet of conditioned floor area

shall use at least 15.0% less TDV Energy than the 2008 Building Energy Efficiency Standards allows.

b. For Climate Zone 10:

- i. All new low-rise residential buildings or additions, remodels or alterations to existing low-rise residential buildings where the additions, remodels or alterations are greater than 1,000 square feet of conditioned floor area shall use at least 20.0% less TDV Energy than the 2008 Building Energy Efficiency Standards allows.
- ii. All new non- residential, high-rise residential or hotel/motel buildings, or additions, remodels or alterations to existing non- residential, high-rise residential or hotel/motel buildings where the additions, remodels or alterations are greater than 10,000 square feet of conditioned floor area shall use at least 15.0% less TDV Energy than the 2008 Building Energy Efficiency Standards allows.

D. Compliance. No building permit shall be issued unless the permit application demonstrates compliance with the requirements of Section 15.26.030 based on the performance approach as specified in the 2008 Building Energy Efficiency Standards using a California Energy Commission approved energy compliance software program.

E. Compliance Credit Option for Buildings within Sectional Planning Area (SPA) Plan Projects.

For building construction within Sectional Planning Area (SPA) Plan project areas whose SPA is approved subsequent to the effective date of this Ordinance, the developer may meet a portion of the requirements set forth under Section 15.26.030C provided the SPA Plan has met the qualifying energy savings thresholds for community design and site planning features pursuant to the requirements as set forth in the SPA's approved Air Quality Improvement Plan (AQIP). If the approved AQIP has met the qualifying thresholds, the applicant may request and receive an energy savings credit towards a portion of the requirements specified in Section 15.26.030C subject to approval by the Director of Development Services, provided the project fully complies with the 2008 Building Energy Efficiency Standards (Title 24, Part 6) which are in effect at the time of permitting, and conforms to applicable guidelines in effect at the time of the request for credit.

F. Technical Assistance. The building official may require the applicant to retain the services of a consultant having expertise in energy efficiency techniques to review and evaluate complex systems and/or alternate methods of compliance and provide recommendations as to compliance with the requirements of Section 15.26.030. The cost of such consultant shall be paid by the applicant.

G. Expiration. Section 15.26.030 shall expire upon the date the 2008 Building Energy Efficiency Standards are no longer in effect.

SECTION III. EFFECTIVE DATE.

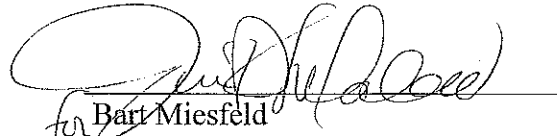
This ordinance will take effect and be in force thirty days after final passage.

Submitted by:

Approved as to form by

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Gary Halbert, AICP, PE  
Deputy City Manager/  
Director of Development Services



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for Bart Miesfeld  
City Attorney