

ORDINANCE NO. 1040

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL, CALIFORNIA, ADDING CHAPTER 15.72, LOCAL ENERGY EFFICIENCY STANDARDS TO THE SEBASTOPOL MUNICIPAL CODE FOR THE PURPOSE OF ADOPTING LOCAL ENERGY EFFICIENCY STANDARDS FOR BUILDINGS COVERED BY THE 2008 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, California Health and Safety Code Sections 18938 and 17958 provide that the California Building Standards Code establishes building standards for all occupancies throughout the State; and

WHEREAS, Health and Safety Code Section 17958.5 provides that a city may establish more restrictive building standards if they are reasonably necessary due to local climatic, geological or topographical conditions; and

WHEREAS, the City Council has found that certain modifications and additions to the California Building Standards Code are reasonably necessary based upon local climatic, topographical and geological conditions; and

WHEREAS, Public Resource Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the Energy Commission; and

WHEREAS, energy efficiency is a key component to sustainability; and

WHEREAS, California has been known to experience rolling blackouts during periods of peak energy use due to energy demands greater than what the state's electrical energy system can provide; and

WHEREAS, the burning of fossil fuels used in the generation of electric power and heating of buildings contributes to global warming; and

WHEREAS, increased global warming could have a significant adverse impact on the local climate and economy; and

WHEREAS, the governor of California signed Assembly Bill 32 into law on September 27, 2006, which directs the California EPA to put a cap on the generation of greenhouse gas emissions; and

WHEREAS, in accordance with the 2008 California Building Energy Efficiency Standards, including California Code of Regulations, Title 24, Parts 1 and 6 (Standards) all new development must meet or exceed the energy requirements contained therein; and

WHEREAS, it is the purpose and intent of this ordinance to amend the abovementioned standards as described herein; and

WHEREAS, City staff has prepared a new chapter to Title 15 of the Sebastopol Municipal Code, which is Chapter 15.72 — Local Energy Efficiency Standards,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES HEARBY FIND, DETERMINE AND ORDAIN AS FOLLOWS:

Section 1. Chapter 15.72, "Local Energy Efficiency Standards," is hereby added to Title 15, "Buildings and Construction," of the SEBASTOPOL MUNICIPAL CODE to read and provide as follows:

"Chapter 15.72 Local Energy Efficiency Standards"

15.72.10 Findings.

The modifications to the 2008 California Building Energy Efficiency Standards are reasonably necessary due to local climatic conditions. As a result of summer ambient temperatures, average load demand and peak load demand of energy used in Sebastopol are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., "brownouts"). 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.

15.72.20 Purpose.

This ordinance sets forth minimum energy efficiency standards within the City of Sebastopol for all new residential and nonresidential construction. This Chapter is intended to supplement the 2008 California Building Energy Efficiency Standards, as specified in the California Code of Regulations, Title 24, Parts 1 and 6 (Standards), adopted by the City at Title 15, Chapter 15.04 of the Municipal Code. Compliance with the 2008 California Building Energy Efficiency Standards is required even if the increased minimum efficiency standards in this Chapter do not apply.

15.72.30 Definitions.

For purposes of this Chapter 15.72, words or phrases used in this Chapter that are specifically defined in Parts 1, 2 or 6 of Title 24 of the California Code of Regulations shall have the same meaning as given in the Code of Regulations. In addition, the following words and phrases shall have the meaning indicated herein:

- (A) "2008 Building Energy Efficiency Standards" shall mean the Standards and regulations adopted by the California Energy Commission contained in Parts 1 and 6 of Title 24 of the California Code of Regulations as such standards and regulations may be amended from time to time.

(B) "Nonresidential Compliance Manual" shall mean the manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state's 2008 Building Energy Efficiency Standards for nonresidential, high-rise residential, and hotel/motel buildings.

(C) "Residential Compliance Manual" shall mean the manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state's 2008 Building Energy Efficiency Standards for low-rise residential buildings.

(D) "Time Dependent Valuation of Energy or ("1'DV Energy")" shall mean the time varying energy caused to be used by the building to provide space conditioning and water heating and, for specified buildings, lighting. TIV Energy accounts for the energy used at the building site and consumed in producing and in delivering energy to a site, including but not limited to, power generation, transmission and distribution losses. '1'DV Energy is expressed in terms of thousands of British thermal units per square foot per year (kBtu/sq.ft.- yr.).

15.72.40 Buildings Covered.

The provisions of this ordinance shall apply to all new residential and nonresidential construction of any size for which a building permit has been applied and accepted as complete by the Building Division on or after the effective date of this ordinance. Subject to the foregoing limitation, the coverage of this Chapter shall be determined in accordance with the scope and application of either the Residential Compliance Manual or the Nonresidential Compliance Manual, as appropriate for the proposed occupancy.

15.72.50 Compliance.

The Building Official for the City of Sebastopol shall be charged with enforcing the provisions of this ordinance. A building permit subject to the provisions of this chapter shall not be issued by the City's building division unless the energy compliance documentation submitted with the permit application meets the requirements of this chapter. A final inspection for a building permit subject to the requirements of this chapter will not be approved unless the work authorized under a permit has been constructed in accordance with the approved plans and requirements of this chapter.

15.72.60 General Compliance Requirements.

In addition to the requirements of the 2008 Building Energy Efficiency Standards, the following general compliance requirements shall apply to all permit applications subject to this chapter:

(A) **Low-Rise Residential Buildings.** When an application for a building permit involves a new low-rise residential building, the performance approach specified in Section 151 of the 2008 Building Energy Efficiency Standards must be used to demonstrate that the TDV Energy of the proposed building is at least 15.0% less than the TDV Energy of the standard building.

(B) **Nonresidential, High-Rise Residential Buildings and Hotel/Motel Occupancies.** Applications for building permits that involves any new nonresidential, high-rise residential buildings and hotels/motels shall demonstrate compliance with the requirements of this chapter using either the Prescriptive Approach or the Performance Approach, as follows:

(1) **Prescriptive Approach.** If the building permit applicant chooses the prescriptive approach, the applicant shall use the Overall Envelope Approach as specified in Section 143(b) of the 2008 Building Energy Efficiency Standards to demonstrate that the Overall Heat Gain of the proposed building is at least 15.0% less than the Overall Heat Gain of the standard building; and the Overall Heat Loss of the proposed building is at least 15.0% less than the Overall Heat Loss of the of the standard building; or

(2) **Performance Approach.** If the applicant chooses the performance approach, the applicant shall select one of the following energy budget calculation methodologies to demonstrate the compliance with the requirements of this chapter:

(a) **Building Envelope Only.** Model the building envelope only using a state-approved energy compliance software program and demonstrate that the TDV Energy of the sum of the Space Heating, Space Cooling and Indoor Fans energy components of the proposed building is at least 15.0% less than the TDV Energy of the sum of the Space Heating, Space Cooling and Indoor Fans energy components of the standard building; or

(b) **Building Envelope and Mechanical System.** Model the building envelope and mechanical system using a state-approved energy compliance software program and demonstrate that the TDV Energy of the sum of the Space Heating, Space Cooling, Indoor Fans, Pump and Heat Rejection energy components of the proposed building is at least 15.0% less than the TDV Energy of the sum of the Space Heating, Space Cooling, Indoor Fans, Pump and Heat Rejection energy components of the standard building.

(C)Documentation. In order to demonstrate compliance with the requirements of this Section, a permit applicant may be required to submit supplementary forms and documentation in addition to the building drawings, specifications, and standard Title 24 report forms, as deemed appropriate by the City's Building Official.

15.72.70 Enforcement.

(A) Civil Penalties. Any person who violates any provision of this chapter is liable to the City for a civil penalty of one thousand dollars.

(B) Cumulative Remedies. The foregoing remedy shall be deemed nonexclusive, cumulative and in addition to any other remedy the City may have at law or in equity, including but not limited to injunctive relief to prevent violations of this chapter.

15.72.80 Expiration.

This chapter 15.72 shall expire upon the date that the state's 2011 Building Energy Efficiency Standards take effect."

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

Section 3. Environmental Compliance. The proposed ordinance preserves and enhances the environment, in that it would set forth minimum energy efficiency standards within the City of Sebastopol for all new residential and nonresidential construction. In accordance with CEQA Section 15061(b)(3), "[C]EQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Staff has determined that the proposed ordinance is exempt from CEQA review.

15.72.90 Repeal of Conflicting Ordinances.

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4 The provisions of this code shall not be construed as imposing upon the City of Sebastopol any liability or responsibility for damages to persons or property resulting from defective work, nor shall the City of Sebastopol, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Code of any permits or certifications issued under this Code.

Section 5. Effective Date. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published or posted as required by law.

IN COUNCIL DULY PASSED this _____ day of _____ 2010

Approved: _____

Mayor

Voting Aye: _____

Voting No:: _____

Absent: _____

ATTEST: _____

City Clerk