

ORDINANCE NO. 779

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, ADDING A NEW TITLE 14, "SUSTAINABILITY," CHAPTER 14.02, "ENERGY EFFICIENCY STANDARDS," TO THE ROHNERT PARK MUNICIPAL CODE AND ADOPTING LOCAL ENERGY EFFICIENCY STANDARDS FOR BUILDINGS COVERED BY THE 2005 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, Gabel Associates, LLC has conducted a study to show that the energy conservation measures contained in this ordinance are cost-effective; and

WHEREAS, the City included the Gabel Associates study in an application for consideration by the California Energy Commission in compliance with Public Resources Code 25402.1(h)(2); and

WHEREAS, the Rohnert Park City Council has identified sustainability as one of its top five goals; and

WHEREAS, the Rohnert Park City Council, by resolution, has set a goal for reducing greenhouse gas emissions citywide by 25% below 1990 levels by the year 2015.

WHEREAS, on August 22, 2006, the City Council directed city staff to prepare a sustainability ordinance for the City of Rohnert Park that would be located in a new Title 14 of the Rohnert Park Municipal Code; 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 2005 California Building Energy Efficiency Standards, including California Code of Regulations, Title 24, Parts 1 and 6 (Standards) all low-rise residential development must meet or exceed the energy requirements contained therein; and

WHEREAS, this ordinance requires the application of the Standards, including but not limited to the definitions, procedures, forms, manuals and alternative calculations methods associated with the Standards; and

WHEREAS, this ordinance amends the Standards as described herein; and

WHEREAS, city staff has prepared the first chapter of the proposed addition to Title 14 of the Municipal Code, which is chapter 14.02 – Local Energy Efficiency Standards, as directed by the City Council.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, does hereby ordain as follows:

SECTION 1. Findings.

The City Council finds that:

1. A duly noticed public hearing regarding the proposed addition to the Municipal Code was held by the City Council on February 13, 2007.
2. The modifications to the 2005 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 Rohnert Park are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., “brown-outs”). 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.
3. The proposed ordinance preserves and enhances the environment, in that it would set forth minimum energy efficiency standards within the City of Rohnert Park for all new low-rise residential construction of any size, low-rise residential additions over a certain size threshold, and all residential and non-residential swimming pools and water features. 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.

SECTION 2. Chapter 14.02, “Energy Efficiency Standards,” is hereby added to a new Title 14, “Sustainability,” of the ROHNERT PARK MUNICIPAL CODE to read and provide as follows:

“Chapter 14.02 Local Energy Efficiency Standards

14.02.010 Purpose.

This ordinance sets forth minimum energy efficiency standards within the City of Rohnert Park for all new low-rise residential construction of any size, low-rise residential additions over a certain size threshold, and all residential and non-residential swimming pools and water features.

14.02.020 Definitions.

“AFUE (Annual Fuel Utilization Efficiency)” has the meaning set forth in Section 101 (b) of the 2005 California Building Energy Efficiency Standards.

”Conditioned floor area (CFA)” has the meaning set forth in Section 101 (b) of the 2005 California Building Energy Efficiency Standards.

”Existing + addition + alteration method” means an approach to modeling the energy use of a residential addition, as described in the 2005 Building Energy Efficiency Standards Residential Compliance Manual, to show compliance with the Energy Standards.

”Revised standard design total” means the performance energy budget, in TDV kBtu/sf-yr, which this ordinance establishes for all residential buildings to which it applies. It is defined as the standard design total (TDV kBtu/sf-yr) from any state-approved alternative calculation method (ACM) multiplied by the standard design adjustment factor listed in Table A selected as a function of the building’s conditioned floor area.

”Standard design adjustment factor” means the arithmetic factor listed in Table A in accordance with the building’s conditioned floor area. This factor, when multiplied by the standard design energy budget from a state-approved ACM, produces the revised standard design total.

Table A.

Building Type & Conditioned Floor Area	Standard Design Adjustment Factor	This will exceed T-24 by at least (%)
Single Family Houses = or > 2,000 SF	0.85	15.0%
Single Family Houses 1,900 to 1,999 SF	0.86	14.0%
Single Family Houses 1,800 to 1,899 SF	0.87	13.0%
Single Family Houses 1,700 to 1,799 SF	0.88	12.0%
Single Family Houses 1,600 to 1,699 SF	0.89	11.0%
All Single Family Houses < 1,600 SF	0.90	10.0%
All Residential Additions = or > 1,000	0.90	10.0%

”TDV kBtu/sf yr” means the amount of energy use in a building determined by the alternative calculation method expressed in terms of thousand British thermal units per square foot per year as modified based upon the time of day such energy is used.

”Time dependent valuation (TDV) energy” has the meaning set forth in Section 101 (b) of the 2005 California Building Energy Efficiency Standards.

Terms, phrases and words not defined in this section, shall have the meaning set forth in the California Code of Regulations, Title 24, Parts 1, 2, or 6.

14.02.030 Buildings covered.

The provisions of this ordinance shall apply to all new low-rise residential construction of any size, low-rise residential additions equal to or greater than 1,000 square feet of conditioned floor area, and all residential and non-residential swimming pools and water features for which a building permit has been applied for and accepted as complete by the Building Division on or after the effective date of this ordinance.

14.02.040 Compliance.

The building official for the City of Rohnert Park shall be charged with enforcing the provisions of this ordinance. A building permit subject to the provisions of this chapter will not be issued by the Building Division unless the energy compliance documentation submitted with the permit application meets the requirements of this chapter. A final inspection of a building permit will not be approved unless the work authorized under a permit has been constructed in accordance with the approved plans, conditions of approvals, and requirements of this chapter.

14.02.050 Mandatory Requirements.

All buildings, swimming pools, and water features covered by this ordinance shall include the following mandatory energy measures:

- A. Residential Buildings. All residential buildings shall incorporate the following energy efficient measures:
 1. All exhaust fans shall be Energy Star.
 2. Mastic shall be applied to all joints and seams of ducts conveying conditioned air.
- B. Swimming Pools and Spas. All public and private swimming pools, spas, fountains and water features shall incorporate the following energy conservation features:
 1. All pool and spa natural gas heaters shall have a minimum AFUE of 90% or higher; and
 2. All circulating pump motors and filtration pump motors, excepting dedicated pump motors serving only spa jets, with a nominal rating of 0.75 horsepower (i.e., $\frac{3}{4}$ HP) or greater shall be two-speed or variable speed motors. The

installation of all two-speed and variable speed motors shall include the installation of a controller which shall be time-based and shall be programmed to alternate the speed of the motor between low and high to make effective use of the energy savings potential of the unit's multi-speed capability.

14.02.060 General Requirements.

The following general compliance requirements apply to all new low-rise residential construction of any size and residential additions that are 1,000 square feet of conditioned floor area or larger:

- A. The proposed building energy use (TDV KBtu/sf-yr) must be equal to or less than the revised standard design total (TDV KBtu/sf-yr) using the Performance Compliance Approach.
- B. For additions only, the energy efficiency of the existing building may be improved so that the existing building plus the addition meet the revised standard design total energy for the existing +addition+ alteration method generated by a state approved alternative calculation method . In modeling buildings to meet this requirement, domestic hot water energy use must be included. Exception: When there is no change to a building's existing water heater(s), domestic hot water energy use need not be included in the existing + addition + alteration method.
- C. Special energy compliance form. In addition to the energy compliance documentation required by section 10-103 in the 2005 Energy Efficiency Standards, a special compliance form, RP-RES, shall be submitted to the Building Division. The RP-RES form shall indicate the standard design TDV energy use, the standard design adjustment factor specified in Table A, the revised standard design TDV energy use, and the proposed design TDV energy use. The RP-RES form shall be made available to the public by the Building Division.

14.02.070 Enforcement.

- A. Violation. Violation of any provision of this chapter due to the applicant's failure to build a project in accordance with plans approved by the Building Division and the conditions of approval in the applicable permit shall be punishable as an infraction as provided in chapter 1.16 of this code.
- B. Civil Penalties. Any person who violates any provision of this chapter is liable to the City for a civil penalty of one thousand dollars.
- C. Cumulative Remedies. The foregoing remedies 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."

SECTION 3. 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 4. 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.

This ordinance was introduced on the 13th day of February, 2007 and
DULY AND REGULARLY ADOPTED this 27th day of March, 2007 by the following vote:

AYES: Four (4) Council Members Breeze, Mackenzie, Smith and Mayor Vidak-Martinez

NOES: None (0)

ABSENT: One (1) Councilmember Stafford

ABSTAIN: None (0)

CITY OF ROHNERT PARK

/s/Mayor Vidak-Martinez

ATTEST:

/s/City Clerk Judy Hauff

APPROVED AS TO FORM:

/s/Assistant City Attorney Gabrielle P. Whelan