

## ORDINANCE NO. 3140

### ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 15.12, GREEN BUILDING STANDARDS, TO THE CHULA VISTA MUNICIPAL CODE

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

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

1. The City of Chula Vista has a long standing commitment to leadership in green building standards, sustainable design and construction practices, water and other resource conservation and the reduction of greenhouse gas emissions. The City has committed to reducing its citywide greenhouse gas (GHG) emissions to 20% below 1990 levels by 2010.
2. GHG reduction has been mandated by Governor Schwarzenegger through executive orders and in his signing into law AB 32 in 2006. AB 32 requires a reduction of GHG emissions to 1990 levels by 2020.
3. A 2005 Greenhouse Gas Emissions Inventory indicated that Chula Vista's annual citywide greenhouse gas levels had increased by 35% since 1990 due primarily to residential growth.
4. According to studies published by the United States Green Building Council, the construction, demolition and operation of buildings in the United States collectively consume up to 39% of the total energy used, 12% of all fresh water supply, and 40% of all raw materials used in the United States. Buildings also generate 39% of total emission of greenhouse gases.
5. The California Building Standards Commission (CBSC) and the Department of Housing and Community Development (HCD) developed and approved a California Green Building Standards Code (CGBSC) gleaned from nationally recognized programs and based on an open public adoption process.
6. Green building design, construction, and operation can have a significant positive effect on resource conservation, energy efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building. Requiring commercial and residential projects to incorporate green building measures is necessary and appropriate to achieve the public health and welfare benefits of green building.
7. Modifications to the California Building 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 will have local and regional benefits in the reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

SECTION II. That Chapter 15.12 is added to the Chula Vista Municipal Code and reads as follows:

**Chapter 15.12  
Green Building Standards**

**Sections:**

Section 15.12.001	Purpose
Section 15.12.005	Scope
Section 15.12.010	Definitions
Section 15.12.015	Conflicting Provisions
Section 15.12.020	Administration
Section 15.12.025	Alternate Materials, Methods of Design and Methods of Construction
Section 15.12.030	Green Building Standards
Section 15.12.035	Administrative Procedures
Section 15.12.040	Appeal

**Section 15.12.001 Purpose**

The purpose of this Chapter is to enhance the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and other site development by incorporating green building practices into all development. The green building provisions referred to in this Chapter are designed to achieve the following goals:

- A. Increase energy efficiency in buildings;
- B. Encourage water and resource conservation;
- C. Reduce waste generated by construction projects;
- D. Provide durable buildings that are efficient and economical to own and operate;
- E. Promote the health and productivity of residents, workers, and visitors to the city.

**Section 15.12.005 Scope**

The provisions of this Chapter shall apply to all new residential construction, remodels, additions, and alterations, and to all new nonresidential construction, remodels, additions, and tenant improvements for which a building permit has been applied for on or after the effective date of this Chapter ("Covered Projects").

**Section 15.12.010 Definitions**

For the purposes of this Chapter, the following words have the meanings shown in this section. Where a term is not defined in this section, but is defined in Chapter 15.06, or the technical codes Chapters 15.08, 15.10, 15.16, 15.24, 15.26, and 15.28, such term shall have the meaning ascribed to it in Chapter 15.06, or the technical codes Chapters 15.08, 15.10, 15.16, 15.24, 15.26, and 15.28. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine include the masculine.

“Building Official” means the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

“Chula Vista Green Building Standards” means the green building measures that have been adopted by City Council, and which may be amended from time to time.

“Green Building” means a holistic approach to design, construction, and demolition that minimizes the building’s impact on the environment, the occupants, and the community.

#### **Section 15.12.015 Conflicting Provisions**

When conflicts occur between this Chapter and other chapters, codes or laws, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern. If there is a conflict with a state or federal law, the higher authority would prevail; if the laws are consistent but the local is more restrictive, the more restrictive would govern.

When there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

#### **Section 15.12.020 Administration**

The Building Official is authorized and directed to enforce all the provisions of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as may be deemed necessary to clarify the application of the provisions of this chapter. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

#### **Section 15.12.025 Alternate Materials, Methods of Design and Methods of Construction**

The provisions of this chapter are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by this chapter, provided an alternate has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of this chapter and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter.

The Building Official may require documentation necessary to make findings for approval. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Building Division.

#### **Section 15.12.030 Green Building Standards**

Buildings and building sites covered under Section 15.12.005 shall be designed to include Green Building measures, which have been adopted by City Council resolution as the “Chula Vista Green Building Standards,” and which may be amended from time to time.

**Section 15.12.035 Administrative Procedures**

- A. Submittal of Documents. As part of the application for a building permit, construction plans and specifications shall indicate in the general notes or individual detail drawings the Green Building Standards and product specifications and methods of construction that are required by this Chapter.

The Building Official may require the applicant to retain the services of a consultant having expertise in Green Building and/or energy efficiency techniques to review and evaluate complex systems and/or alternate methods or materials of construction and provide recommendations as to compliance with the requirements of this Chapter. The cost of such consultant shall be paid by the applicant.

- B. Approval of Permit Application. Notwithstanding any other provision of this code, no building permit shall be issued for any covered project until the Building Official has determined that the plans and specifications submitted for the building permit are in compliance with the requirements of this Chapter.
- C. Compliance Verification. The Building Official shall verify that the Green Building measures and specifications indicated on the permitted plans and construction documents are being implemented at foundation, framing, electrical, plumbing, mechanical, and any other required inspections, and prior to issuance of a final certificate of occupancy. Additional inspections may be conducted as needed to ensure compliance with this chapter. During the course of construction and following completion of the project, the city may require the applicant to provide information and documents showing use of products, equipment, and materials specified on the permitted plans and documents.

If, at any stage of construction, the Building Official determines that the project is not being constructed in accordance with the permitted plans and documents, a Stop Order may be issued pursuant to CVMC Section 15.06.060.D. At the discretion of the Building Official, the stop work order may apply to the portion of the project impacted by noncompliance or to the entire project. The stop work order shall remain in effect until the Building Official determines that the project will be brought into compliance with the permitted plans and documents and this Chapter.

Prior to final building approval or issuance of a certificate of occupancy, the Building Official shall review the information submitted by the applicant and determine whether the applicant has constructed the project in accordance with the permitted plans and documents. If the Building Official determines that the applicant has failed to construct the project in accordance with the permitted plans and documents, then the final building approval and final certificate of occupancy may be withheld, until the Building Official determines that the project is in compliance with this Chapter.


**Section 15.12.040 Appeal**

The Board of Appeals and Advisors as established by Chapter 2.26 is hereby designated to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this Chapter. The Board shall render all decisions and findings in writing to the Building Official and provide a copy to the appellant. The decision of the Board is final.

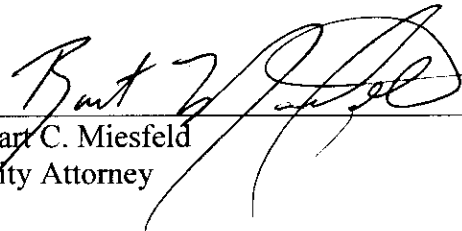
**SECTION III. EFFECTIVE DATE.**

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

Presented by

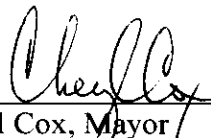
  
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Gary Halbert, P.E., AICP  
Deputy City Manager/Development Services  
Director

Approved as to form by

  
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Bart C. Miesfeld  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 6th day of October 2009, by the following vote:

AYES:	Councilmembers:	Bensoussan, Castaneda, Ramirez, Thompson and Cox
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None

  
\_\_\_\_\_  
Cheryl Cox, Mayor

ATTEST:

  
\_\_\_\_\_  
Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3140 had its first reading at a regular meeting held on the 15th day of September 2009 and its second reading and adoption at a regular meeting of said City Council held on the 6th day of October 2009; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 6th day of October 2009.

  
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Donna R. Norris, CMC, City Clerk