

City of Chula Vista

Building Energy Saving Ordinance (BESO) Policy Summary

Who is Required to Comply?

The following requirements are applicable to properties within the City of Chula Vista 20,000 square feet or larger. Properties with less than 5 utility accounts are exempt if at least one of the utility accounts is residential. Some buildings meeting the above criteria may be exempt from all or portions of the ordinance.

Properties owned by any of the following are **always exempt** from Section 15.25.050:

- the County of San Diego; or
- the State of California; or
- the United States of America; or
- the Metropolitan Transit Service; or
- the Chula Vista and Sweetwater School Districts

Properties that can be **exempt annually** from Section 15.25.050:

- The entire Property did not have a Certificate of Occupancy or Temporary Certificate of Occupancy for at least half of the year required to be Benchmarked; or
- The entire Property was not occupied, due to renovation, for at least half of the year to be Benchmarked; or
- A demolition permit for the entire Property has been issued and demolition work has commenced; or
- The Property did not receive energy or water services for at least half of calendar year required to be Benchmarked; or
- Disclosure of the Property energy usage data would result in the release of proprietary information that can be characterized as a trade secret or would otherwise violate a customer's right to privacy under the California Constitution or other applicable law.
- The building is presently experiencing qualifying financial distress.

What are the Annual Requirements?

Energy Benchmarking

Building owners must submit an energy use data report to the City of Chula Vista using ENERGY STAR® Portfolio Manager® by **May 20 annually**.

Disclosure

Benchmarking data reported to the City of Chula Vista will be made available to the public via our data portal by **September 1 annually**. Building owners must share their energy benchmarking reports, as well as any energy audit and retro-commissioning reports, if applicable, to current and prospective owners and tenants.

What are the Conservation Requirements?

The following requirements are only applicable to properties that do not meet the criteria for a high-performing building. A High Performing Buildings Criteria (one of the following):

- a. Achieve Verified Energy Star score of 80 or higher during preceding year or, if building type is not eligible for an Energy Star score then an Energy Use Intensity (EUI) score of 18 or less.
- b. Achieve Energy Star certification during preceding year
- c. Achieve LEED Existing Building Certification 3 of 5 preceding years

Energy Audits

Conduct an ASHRAE Level 1 audit. Owners must obtain a quote from a qualified auditor and discuss value of more extensive audit specification (i.e. ASHRAE Level 2) **every 5 years beginning 2026**.

Submit audit report to City electronically using the “Audit Template” online tool produced by the Department of Energy (DOE). Report must include:

1. Energy Conservation Measures (ECMs) needed to meet the applicable Energy Performance Requirements (Table 1a column A and column B)
2. All applicable rebate, incentive and financing programs
3. Identification of at least 2 contractors able to perform each ECM
4. ECMs applicable to tenant-controlled spaces, where tenant pays energy bills, must specify estimated tenant savings

Additional requirements can be found in the [Building Energy Saving Ordinance](#).

Retro-commissioning¹

Conduct AHRAE 0.2 Retro-commissioning for buildings with:

1. At least 50,000+ sq ft conditioned space
2. Existing mechanical equipment
3. Digital controls that are repairable or in good working order in the opinion of the auditor

¹ “Retro-Commissioning” means a systematic process for optimizing existing systems relating to building performance through the identification and correction of deficiencies in such systems

4. Exempt if major changes in operation have occurred in prior six months or planned during next year

Submit retro-commissioning report to City electronically **every 5 years beginning 2026.**

Minimum Improvement

Energy Performance Requirement. As an alternative to the audit and retro-commissioning requirements, properties may demonstrate a reduction in EUI during the 5 years prior via Energy Star of at least the amount shown below in column A. By the second 5-year conservation deadline in 2031 all properties must achieve the minimum improvement shown in column B provided the ECMs required have a simple payback of 13 years or less. Meeting column B criteria does not eliminate the need to meet the Audit and Retro-commissioning requirements.

1a. For Properties that are eligible for an Energy Star Score.

Baseline Year Energy Star Score	(A) Minimum Improvement to be Exempt from Audit Requirement	(B) Mandatory Minimum Improvement by 2031
0-45	30%	15%
46-65	20%	10%
66-79	10%	None
80+	None	None

1b. For properties NOT eligible for an Energy Star score.

Baseline Year Site Energy Use Intensity (weather normalized)	(A) Minimum Improvement to be Exempt from Audit Requirement	(B) Mandatory Minimum Improvement by 2031
80+	30%	15%
51-79	20%	10%
19-50	10%	None
0-18	None	None

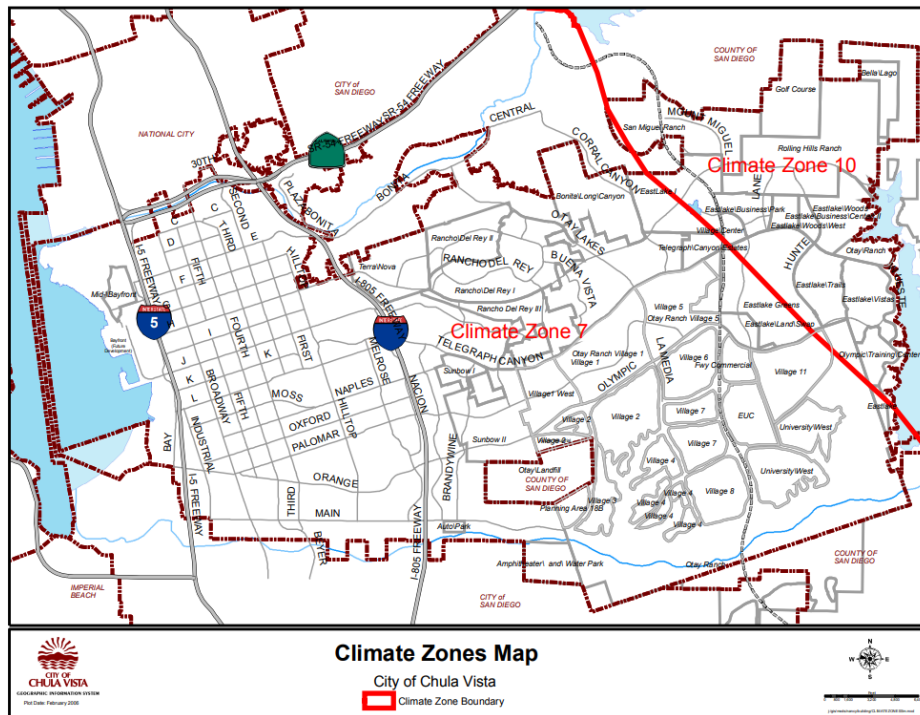
Multi-family Prescriptive Upgrades

Multifamily residential properties constructed prior to 2006 with separately metered units paid by tenants must perform the minimum number of prescriptive measures specified in 2(a), choosing from the list in 2(b). Any measures from 2(b) already completed may be counted toward the minimum number in 2(a). Multifamily residential properties with master-metered units or a significant common load must meet the requirements. Where a measure is not applicable it shall count toward satisfying the minimum number of measures.

Owners must meet and confer with tenants that pay energy costs to discuss energy efficiency investment plan.

2a. Minimum Number of Measures

Year Built	Climate Zone 7	Climate Zone 10
Pre-1978	Choose 4 measures	Choose 5 measures
1978-1991	Choose 3 measures	
1992-2005	Choose 2 measures	



2b. Measure Option List below:

Measure Name	Description
R-38 Attic Insulation	Add attic insulation in buildings with vented attic spaces to meet R-38.
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.
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 the 2016 Title 24 Section 150.2(b)1E. Homes with one or more vented combustion appliances are

	STRONGLY RECOMMENDED to have a BPI Combustion Appliance Safety Inspection performed after duct sealing.
LED Lighting	Replace low performing screw-based lighting with high performing lighting per the requirements of Title 24 Section 150.0(k) 1.A,D,G,H and I.
Water Heating Package	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. Hot Water Pipe Insulation. Insulate all accessible hot water pipes with R-3 pipe insulation. 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.
Water Heater Replacement (if water heater serves individual unit)	High Efficiency Heat Pump Water Heater: Replace natural gas storage water heater, or, tankless water heater having an 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). -or- High Efficiency Tankless Water Heater: 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.
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.

What are the Compliance Deadlines?

Benchmarking	May 20 of each year beginning 2022
Direct Disclosure	September 1 of each year beginning 2022
Energy Audits	Every five (5) years beginning 2026
Retro commissioning	Every five (5) years beginning 2026
Minimum Improvement	Every ten (10) years beginning 2031
Multi-family Prescriptive Upgrades	2026 or later

What are the Consequences of Noncompliance?

Failure to comply will result in the following.

- 5.1. Notice. Notice of noncompliance will be sent giving the property 60 days to correct. After, the following penalties will apply.
- 5.2. Public Disclosure of Non-compliance
- 5.3. Fines. After January 1, 2023, failure to correct a notice of noncompliance may result in a fine ranging from \$750-\$2,500 depending on building size.

Property Size (square feet)	Amount per Incident
20,000 – 49,999 GFA	Up to \$750
50,000 – 99,999 GFA	Up to \$1,500
100,000 + GFA	Up to \$2,250