ORDINANCE NO. 1029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 8.38 (CALIFORNIA GREEN BUILDING CODE) OF TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE MORENO VALLEY MUNICIPAL CODE ADOPTING THE 2025 CALIFORNIA GREEN BUILDING CODE, TITLE 24, PART 11, WITH AMENDMENTS TO REQUIRE ENERGY CONSERVATION MEASURES FOR AIR CONDITIONER ALTERATIONS, REPLACEMENTS, AND INSTALLATIONS IN EXISTING SINGLE-FAMILY DWELLING UNITS

WHEREAS, the City of Moreno Valley ("City") is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, the California Building Standards Commission (Commission) has adopted the California Building Code, which includes regulations that govern structural safety, sustainability, and accessibility for various types of buildings in California; and

WHEREAS, the California Building Code is set forth in Title 24 of the California Code of Regulations, and the Commission amends it (for updates) on a periodic basis every three years, due in part to changes in technology, building practices, materials, etc.; and

WHEREAS, Title 24 includes in part the California Administrative Code which contains administrative regulations of the California Building Standards Commission and administrative regulations of all applicable agencies that implement or enforce building standards; and

WHEREAS, Title 24 includes in part the California Building Code which contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment; and

WHEREAS, Title 24 includes in part the California Electrical Code which contains electrical design and construction standards. Provisions contained in the CEC provide minimum standards to safeguard life or limb, health, property, and public welfare, and to protect against hazards that may arise from the use of electricity by regulating and controlling the design, construction, installation, quality of materials, location and operation of electrical equipment, wiring, and systems; and

WHEREAS, Title 24 includes in part the California Mechanical Code which contains mechanical design and construction standards. Provisions contained in the CMC provide

minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances; and

WHEREAS, Title 24 includes in part the California Plumbing Code (CPC) which contains plumbing design and construction standards. Provisions contained in the CPC provide minimum standards to safeguard life or limb, health, property and public welfare. It also protects against hazards that may arise from the use of plumbing piping and systems by regulating and controlling the design, construction, installation, quality of materials, location and operation of plumbing piping systems within the State of California; and

WHEREAS, Title 24 includes in part the California Energy Code which contains energy conservation standards applicable to all residential and non-residential buildings throughout California, including schools and community colleges; and

WHEREAS, Title 24 includes in part the California Historical Building Code, which contains regulations that provide for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or structures designated as qualified historical buildings or properties; and

WHEREAS, Title 24 includes in part the California Fire Code (CFC) which contains regulations consistent with nationally recognized accepted practices for safeguarding, to a reasonable degree, life and property from the hazards of fire and explosion, hazardous conditions in the use or occupancy of buildings or premises, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, along with provisions to assist emergency response personnel; and

WHEREAS, Title 24 includes in part the California Existing Building Code which contains provisions of the International Existing Building Code, regarding Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings; and

WHEREAS, Title 24 includes in part the California Green Building Code which contains standards applicable to residential and non-residential buildings throughout California, including schools and community colleges; and

WHEREAS, Title 24 includes in part the California Referenced Standards Code (CRSC) which contains minimum test and reference standards required by the California Building Standards Code; and

WHEREAS, although the state fully occupies the field of building standards which "generally" preempts cities from adopting their own individual building standards, cities are specifically authorized to amend the state's building standards as contained in Title 24,

which includes the California Green Building Code, to establish more restrictive local building standards; and

WHEREAS, to establish more restrictive building standards, cities must make specific findings that justify the need to adopt more restrictive building standards based on local climatic, geological, or topographical conditions and such findings must be made available as a public record, and a copy of those findings, together with the modifications or changes expressly marked and identified to which each finding refers, must be filed with the Commission; and

WHEREAS, no modification or change will become effective or operative for any purpose until the requisite findings and modifications or changes have been filed with the Commission.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

The above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AMENDMENT TO CHAPTER 8.38 (CALIFORNIA GREEN BUILDING CODE) OF TITLE 8 (BUILDINGS AND CONSTRUCTION) ADOPTING THE 2025 CALIFORNIA GREEN BUILDING CODE, TITLE 24, PART 11, WITH AMENDMENTS

Chapter 8.38 (California Green Building Code) of Title 8 (Buildings and Construction) of the Moreno Valley Municipal Code is hereby amended to adopt the 2025 California Green Building Code, Title 24, Part 11, with amendments, as follows:

§ 8.38.010 Adopted.

The California Green Building Code, 2025 Edition, is adopted and made a part of this chapter by reference, subject to amendments requiring certain energy conservation measures for air conditioner alterations, replacements, and installations in existing single-family dwelling units.

§ 8.38.0020 Amendments to the California Green Building Code - Energy Conservation Measures for Single-Family Air Conditioners

The amendments to the 2025 California Green Building Code appear in strikeouts (deletions) and underlines (additions) within this section as set forth below:

A4.204.1 Energy Efficiency. Alterations to existing residential buildings shall comply with Section~~s~~ A4.204.1.1 ~~and A4.204.1.2~~.

A4.204.1.1 Altered Space-Conditioning System Serving Existing Single-Family Dwelling Units – Mechanical Cooling. When a space-conditioning system serving an existing single-family dwelling unit is altered in climate zones 1 through 14 and 16 by installation or replacement of an air conditioner, the altered system shall comply with either a or b below in addition to the requirements for installation specified by Title 24, Part 6, Sections 150.2(b)1E and 150.2(b)1F:

a. A heat pump shall be the primary heating source and sized according to the system selection requirements specified by Title 24, Part 6 of Section 150.0(h)5. Supplemental heating may be provided by a~~n existing~~ gas furnace or ~~existing~~ electric resistance heating as specified in Title 24, Part 6, Sections 150.0(h)7 and 150.0(i); or

b. An air conditioner shall meet ~~the following~~ all the requirements in either subsection I or II below:

~~I. R-8 duct insulation for ducts located in unconditioned space; and~~

I. Systems with Existing Duct Distribution Systems:

A. ~~II.~~ The duct system measured air leakage shall be equal to or less than ~~5~~10 percent of the system air handler airflow as confirmed through field verification and diagnostic testing, per the requirements in Title 24, Part 6, Reference Residential Appendix Section RA3.1.4.3.1; and

Exception 1 to A4.204.1.1bIA. If it is not possible to meet the duct sealing requirements, all accessible leaks shall be sealed and verified through a visual inspection and a smoke test by a certified ECC-Rater utilizing the methods specified in Reference Residential Appendix Section RA3.1.4.3.5.

Exception 2 to A4.204.1.1bIA: Existing duct systems, constructed, insulated or sealed with asbestos.

B. ~~III.~~ Demonstrate, in every control mode, airflow greater than or equal to ~~400~~ 300 CFM per ton of nominal cooling capacity through the return grilles,

and an air-handling unit fan efficacy less than or equal to 0.45 W/CFM. The airflow rate and fan efficacy requirements in this section shall be confirmed through field verification and diagnostic testing, following the procedures outlined in Title 24, Part 6, Reference Residential Appendix RA3.3; and

Exception 1 to A4.204.1.1bIB: Systems unable to comply with the minimum airflow rate and system efficacy requirements shall demonstrate compliance by satisfying all of the following:

1. Following the procedures in Section RA3.3.3.1.5;

2. Installing a system thermostat that conforms to the specifications in Section 110.12;

3. For standard ducted systems (without zoning dampers), meet the applicable minimum total return filter grille nominal area requirements in Table 150.0-B or 150.0-C as confirmed by field verification and diagnostic testing in accordance with the procedures in Reference Residential Appendix Sections RA3.1.4.4 and RA3.1.4.5. The design clean-filter pressure drop requirements specified by Section 150.0(m)12D for the system air filter(s) shall conform to the requirements given in Tables 150.0-B and 150.0-C.

Exception 2 to Section A4.204.1.1bIB: Multispeed compressor systems or variable speed compressor systems shall verify air flow (cfm/ton) and fan efficacy (Watt/cfm) for system operation at the maximum compressor speed and the maximum air handler fan speed.

Exception 3 to Section A4.204.1.1bIB: Gas furnace air-handling units manufactured prior to July 3, 2019 shall comply with a fan efficacy value less than or equal to 0.58 W/cfm as confirmed by field verification and diagnostic testing in accordance with the procedures given in Reference Residential Appendix RA3.3.

C. ~~IV.~~ In all climate zones, refrigerant charge verification requirements shall meet the requirements in Title 24, Part 6 Section 150.2(b)1Fiib, including the minimum airflow rate specified in Section 150.2(b)1Fiia; and

D. ~~V.~~ Vented attics shall have insulation installed to achieve a U-factor of 0.020 or insulation installed at the ceiling level shall result in an insulated thermal resistance of R-49 or greater for the insulation alone; luminaires not rated for insulation contact must be replaced or retrofitted with a fireproof cover that allows for insulation to be installed directly over the cover; and

Exception 1 to Section A4.204.1.1(b)ID: Dwelling units with at least R-38 existing insulation installed at the ceiling level.

Exception 2 to Section A4.204.1.1(b)ID: Dwelling units where the alteration would directly cause the disturbance of asbestos unless the alteration is made in conjunction with asbestos abatement.

Exception 3 to Section A4.204.1.1(b)ID: Dwelling units with knob and tube wiring located in the vented attic.

Exception 4 to Section A4.204.1.1(b)ID: Where the accessible space in the attic is not large enough to accommodate the required R-value, the entire accessible space shall be filled with insulation provided such installation does not violate Section 806.3 of Title 24, Part 2.5.

E. ~~VI.~~ Air seal all accessible areas of the ceiling plane between the attic and the conditioned space including all joints, penetrations and other openings that are potential sources of air leakage by caulking, gasketing, weather-stripping or otherwise sealing to limit infiltration and exfiltration.

Exception 1 to Section A4.204.1.1bIE: Dwelling units with at least R-38 existing insulation installed at the ceiling level.

Exception 2 to Section A4.204.1.1 bIE: Dwelling units where the alteration would directly cause the disturbance of asbestos unless the alteration is made in conjunction with asbestos abatement.

Exception 3 to Section A4.204.1.1bIE: Dwelling units with atmospherically vented space heating or water heating combustion appliances located inside the pressure boundary of the dwelling unit.

II. Entirely New or Complete Replacement Duct Systems:

A. ~~I.~~ R-8 duct insulation shall be installed for all new ducts located in unconditioned space; and

B. ~~II.~~ The total duct system measured air leakage shall be equal to or less than 5 percent of the system air handler airflow as confirmed through field verification and diagnostic testing, per the requirements in Title 24, Part 6, Reference Residential Appendix Section RA3.1.4.3.1; and

C. ~~III.~~ Demonstrate, in every control mode, airflow greater than or equal to ~~400~~350 CFM per ton of nominal cooling capacity through the return grilles, and an air-handling unit fan efficacy less than or equal to 0.35 W/CFM. The airflow rate and fan efficacy requirements in this section shall be confirmed through field verification and diagnostic testing, following the procedures outlined in Title 24, Part 6, Reference Residential Appendix RA3.3; and

D. ~~IV.~~ In all climate zones, refrigerant charge verification requirements shall meet the requirements in Title 24, Part 6 Section 150.2(b)1Fiib; and

E. ~~V.~~ In Climate Zones 1-4, 6, and 8-16 if the air handler and ducts are located within a vented attic, v~~V~~ented attics shall have insulation installed to achieve a U-factor of 0.020 or insulation installed at the ceiling level shall result in an insulated thermal resistance of R-49 or greater for the insulation alone; luminaires not rated for insulation contact must be replaced or retrofitted with a fireproof cover that allows for insulation to be installed directly over the cover; and

Exception 1 to Section A4.204.1.1bIIE: In Climate Zones 1, 3, and 6, dwelling units with at least R-19 existing insulation installed at the ceiling level.

Exception 2 to Section A4.204.1.1bIIE: Dwelling units where the alteration would directly cause the disturbance of asbestos unless the alteration is made in conjunction with asbestos abatement.

Exception 3 to Section A4.204.1.1bIIE: Dwelling units with knob and tube wiring located in the vented attic.

Exception 4 to Section A4.204.1.1bIIE: Where the accessible space in the attic is not large enough to accommodate the required R-value, the entire accessible space shall be filled with insulation provided such installation does not violate Section 806.3 of Title 24, Part 2.5.

F. ~~VI.~~ In Climate Zones 2, 4, and 8-16, a~~A~~ir seal all accessible areas of the ceiling plane between the attic and the conditioned space including all joints, penetrations and other openings that are potential sources of air leakage by caulking, gasketing, weather-stripping or otherwise sealing to limit infiltration and exfiltration.

Exception 1 to Section A4.204.1.1bIIF: Dwelling units with at least R-19 existing insulation installed at the ceiling level.

Exception 2 to Section A4.204.1.1bIIF: Dwelling units where the alteration would directly cause the disturbance of asbestos unless the alteration is made in conjunction with asbestos abatement.

Exception 3 to Section A4.204.1.1bIIF: Dwelling units with atmospherically vented space heating or water heating combustion appliances located inside the pressure boundary of the dwelling unit.

Exception 1 to Section A4.204.1.1: Where the capacity of the existing main electrical service panel is insufficient to supply the electrical capacity of a heat pump and where the existing main electrical service panel is sufficient to supply a new or replacement air conditioner, as calculated according to the requirements of California Electrical Code Article 220.83 or Article 220.87. Documentation of electrical load calculations in accordance with Article 220 must be submitted to the enforcement agency prior to permitting for both the heat pump and proposed air conditioner.

Exception 2 to Section A4.204.1.1: Where the required capacity of a heat pump to meet the system selection requirements of Section 150.0(h)5 is greater than or equal to 12,000 Btu/h more than the greater of the required capacity of an air conditioner to meet the design cooling load OR the capacity of the existing air conditioner. Documentation of heating and cooling load calculations in accordance with 150.0(h) must be submitted to the enforcement agency prior to permitting for both the heat pump and proposed air conditioner.

§ 8.38.0025 Violations

Violation of the requirements of this Chapter shall be deemed an infraction of the Moreno Valley Municipal Code.

Section 3. CLIMATIC AND TOPOGRAPHIC FINDINGS

The amendments to the 2025 California Green Building Code, set forth in this ordinance, which increase requirements for single-family dwelling units beyond that of the State's requirements will reduce demands for local energy and resources, reduce regional pollution, and promote a lower contribution to greenhouse gases emissions, which are intended to reduce the City's contributions to climate change and in turn reduce the impacts of climate change. Such amendments are necessary due to the City of Moreno Valley's local climatic and topographic conditions which, in addition to trapping locally produced pollutants produced by reliance on natural gas, trap pollutants generated in densely urbanized coastal areas, such as Orange County and Los Angeles County, because of the prevailing winds in and around the City of Moreno, the higher elevations situated to the south, north, and east of the City, and the presence of a reoccurring inversion layer that prevents such pollutants from dispersing upwards.

Section 4. COST EFFECTIVENESS FINDINGS

The amendments will result in the consumption of less energy than they would under the 2025 California Green Building Code based on the cost effectiveness analyses of the Standards Reach Code Program which is hereby incorporated by reference. Based upon these analyses, the Moreno Valley City Council finds that the local amendments to the 2025 California Green Building Code contained in this ordinance provide at least one cost effective pathway to require single-family dwelling units, under certain conditions, to consume less energy than permitted by the 2025 California Green Building Code.

Section 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT

This ordinance is exempt from CEQA under 15061(b)(3) on the grounds that these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment.

Section 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

Section 8. EFFECTIVE DATE

That this ordinance shall take effect thirty (30) days after its second reading, upon approval of the California Energy Commission or upon the date the California Building Standards Commission accepts the ordinance for filing, whichever is later.

Section 9. CERTIFICATION

The City Clerk shall certify to the adoption of this ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this ordinance is adopted.

PASSED AND ADOPTED THIS 2nd DAY OF SEPTEMBER, 2025.

_____
Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

_____
M. Patricia Rodriguez, Acting City Clerk

APPROVED AS TO FORM:

_____
Steven B. Quintanilla, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, M. Patricia Rodriguez, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2025-___was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 2nd day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem, and Mayor)

_____

CITY CLERK

(SEAL)