

**DOCKETED  
12-BSTD-01**

TN # 67928

OCT 17 2012

2012108188

Appendix E

**Notice of Exemption**

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: (Public Agency): California Energy Commission  
1516 Ninth Street, MS 37  
Sacramento, CA 95814

County Clerk  
County of: Statewide- all  
County Clerks  
no notice sent

(Address)

Project Title: 2013 Building Energy Efficiency Standards Rulemaking Proceeding, COR Title 24, Part 11

Project Applicant: \_\_\_\_\_

Project Location - Specific:  
STATEWIDE

Project Location - City: STATEWIDE Project Location - County: STATEWIDE

Description of Nature, Purpose and Beneficiaries of Project:  
The purpose of this activity is to adopt revisions to the energy provisions of the California Green Building Standards Code (also know as Title 24, Part 11 or CALGreen). The revisions are called the 2013 Energy Provisions of CALGreen. see attached page for continuation

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: Patrick Saxton

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:  
The 2013 Energy Provisions of CALGreen are voluntary measures which pose no obligations, and are exempt from CEQA under Cal. Code Regs., tit. 14, § 15061, subd. (b) (3), in that there is no possibility that the 2013 Energy Provisions of CALGreen may have significant effect on the environment.

Lead Agency  
Contact Person: Patrick Saxton Area Code/Telephone/Extension: 916-651-0489

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: Patrick Saxton Date: 10/11/2012 Title: Senior Electrical Engineer

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21102, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

**RECEIVED**

OCT 11 2012

STATE CLEARING HOUSE

STATE CLEARINGHOUSE

Revised 2011

OCT-19-2012 15:28

2012108188

CALGreen was initially developed and adopted in response to policy directives from the Governor, founded on statutory directives to address climate change.<sup>1</sup> In 2008, the Building Standards Commission ("Commission") was given the express authority to adopt green building codes:

If no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the Commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.<sup>2</sup>

The statute also recognizes that other agencies, including the Energy Commission, may adopt such standards.<sup>3</sup> The Energy Commission has the expertise to adopt voluntary energy efficiency standards for buildings.

The 2013 Energy Provisions of CALGreen are voluntary measures which provide more of the same energy and environmental benefits of the 2013 Building Energy Efficiency Standards (2013 Standards), which were previously adopted by the Energy Commission, and do not include any standards which alter previous findings for the 2013 Standards. Although voluntary in nature, the 2013 Energy Provisions of CALGreen have the potential to increase the efficiency of and conserve the use of energy by reducing the energy budget otherwise allotted to a building in the 2013 Standards.

<sup>1</sup> See CALGreen, *The 2010 California Green Building Standards Code Are you ready?*, pp. 2-3, available at: <http://www.documents.dgs.ca.gov/psc/CALGreen/The-CALGreen-Story.pdf>.

<sup>2</sup> Senate Bill 1473, Stats. 2008, ch. 719, enacting Health & Safety Code § 18930.5.

<sup>3</sup> See also Letter dated August 30, 2008, from Senator Ron Calderon, regarding the intent of Stats.2008, c. 719 (S.B.1473), to the Honorable Don Perata, President pro Tempore of the Senate, Re: Legislative Intent Regarding SB 1473, Senate Daily Journal, 2007-2008 Regular Session, pages 5497-5498, regarding Health & Safety Code § 18930.5 and expectation that other agencies should be encouraged to develop voluntary green building standards.