

DOCKETED

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*Comment Received From: Sherri S Lightner
Submitted On: 10/18/2023
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**Public Comment â€™ 2019 Title 24 Code Section 1501(c)14
Photovoltaic Requirements**

Additional submitted attachment is included below.

Sherri S. Lightner, P.E.

October 18, 2023

Submission Via Docket

California Energy Commission
Docket No. 23-BUSMTG-01

Re: Public Comment – 2019 Title 24 Code Section 150.1(c)14. Photovoltaic Requirements

Dear Commissioners and Staff:

My name is Sherri Lightner. I am a licensed Mechanical Engineer and former City of San Diego Councilmember and Council President.

My husband and I are weeks away from final approval on our new ADU. We want the Commission to agree with us that we meet the solar PV system requirements for our ADU.

I submitted an email inquiry to the Energy Code Hotline on October 9, 2023. I also phoned the Hotline. I have not received a reply and need an answer. There are two concerns – One is procedural/policy related and the other is personal.

Procedural/Policy

There is a significant difference in the requirements of the 2019 and the 2022 versions of Title 24 Section 150.1(c)(14). This difference dramatically affects the ADU we are currently building, which took a very long time to get through the approval process and is subject to the 2019 version of Title 24. I would appreciate prompt clarification on this issue.

The language of 2019 Title 24 (excerpted below) does not require that the solar PV power system be newly installed or have newly installed modules, as does the language of 2022 Title 24 (excerpted below).

There is an “interpretation” of this 2019 Code Section, taken from a PowerPoint presentation entitled “Accessory Dwelling Units, California Energy Commission, Efficiency Division, June 2021” on page 43, which is:

- “Existing panels cannot be used to meet new ADU’s PV system requirement:*
- o Panels can be added to an existing system:*
 - o Panels must be new to meet requirements.”*

A similar statement is also made in the Blueprint Newsletter, Issue 129. This requirement is in the 2022 Title 24, but how is it part of the 2019 Title 24 requirements? If it is, when was it approved and by whom?

This “interpretation,” is further refined by the City of San Diego to mean that the panels must be permitted and installed after the final building permit is issued and not during the permitting process. Is that correct?

Please clarify, are there “interpretations” of the 2019 Title 24 Section 150.1(c)(14) that are to be used instead of the clear language of that Code Section?

COMPARISON OF 2019 AND 2022 CODE SECTIONS

2019 Title 24 Code Section 150.1(c)(14.) Photovoltaic Requirements states:

All low-rise residential buildings shall have a photovoltaic (PV) system meeting the minimum qualification requirements as specified in Joint Appendix JA11, with annual electrical output equal to or greater than the dwelling's annual electrical usage as determined by Equation 150.1-C

2022 Title 24, Code Section 150.1(c): 14. Photovoltaic Requirements states:

*All single-family residential buildings shall have a **newly installed** photovoltaic (PV) system or **newly installed PV modules** meeting the minimum qualification requirements specified in Joint Appendix JA11. The annual electrical output of the PV system shall be no less than the smaller of a PV system size determined using Equation 150.1-C, or the maximum PV system size that can be installed on the building's Solar Access Roof Area (SARA). [Emphasis added]*

PERSONAL

After more than three years in the process we are weeks away from final approval of our ADU. We started the permitting process for our detached ADU in August of 2020 and are subject to the requirements of 2019 Title 24. We have now been told that we need to install **new** solar panels to provide 2.02 kWdc before final sign-off.

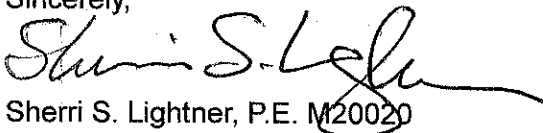
We submitted drawings for initial building review in January of 2021. Our drawings include the CalCERTS, Inc. calculations performed on January 11, 2021 which require us to provide 2.02 kWdc. In June 2021 we installed 21 solar panels – 6 for the ADU (2.22 kWdc) meeting the CalCERTS, Inc requirement and 15 for our home (5.55 kWdc) which resulted in a total solar PV system power of 7.8 kWdc.

The City of San Diego is using the above described "interpretation" of 2019 Title 24 to require a newly installed PV system or newly installed PV panels to meet the requirement we already met. Additionally, they are requiring that the panels be permitted after the ADU building construction permit is issued. If these "interpretations" are allowed to stay, we will be forced to remove 6 panels and replace them. Otherwise we will be producing far more power than we need and also jeopardize our grandfathered net metering agreement with SDG&E. A waste of time and money, since we provided the necessary 2.02 kWdc solar PV system (calculated by CalCERTS, Inc. in January of 2021 during the permitting process for the ADU), when we added solar PV panels to our existing home in June 2021. Using equation 150.1-C of Code Section 150.1(c)(14) the minimum required PV for both dwelling units (the ADU is 1200 sq. ft. and our home is 3000 sq. ft.) is 4.7 kWdc and, as noted above, we are currently providing 7.8 kWdc.

If these "interpretations" are correct, is there a waiver process for the "interpretations," because without the "interpretations," we comply with the Code Section.

Your prompt attention to this is appreciated. If I can help in any way, please let me know. I can be reached via email sherri@lightner.net.

Sincerely,



Sherri S. Lightner, P.E. M20020