

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***C Note Limited Partnership's June 7,
2023 Request for a Solar Photovoltaic
(PV) Exemption Determination***

Docket No.: 22-BSTD-04

ORDER

I. BACKGROUND

The Energy Code regulations establish the opportunity, in Section 10-109(k), to submit an application for the California Energy Commission (CEC) to determine if public agency rules cause the CEC's cost-effectiveness conclusions for solar photovoltaic (PV) systems to not hold for particular buildings and therefore not apply to those buildings. The regulations require that an applicant provide information regarding the differences between the public agency rules and the cost-effectiveness determinations that the CEC made in adopting the solar PV system requirements, including supplementary information requested by the CEC to enable a full review of the application.

On June 7, 2023, C Note Limited Partnership (C Note LP) submitted an application to the CEC requesting a determination of whether the solar PV system requirements should apply to the Benjamin Project, a 108-unit low-rise multifamily project located within the City of Lodi (San Joaquin County), permitted under the 2019 Energy Code.

Staff has performed a cost-effectiveness analysis based on 1) the public agency rules adopted by the City of Lodi, and 2) solar PV system costs estimated in bids from electrical and solar contractors to install the solar PV system designs that C Note LP developed to comply with the City of Lodi's solar PV and electrical system regulations.

II. EXECUTIVE DIRECTOR RECOMMENDATION

Based on the information reviewed and in accordance with Section 10-109(k) of the 2019 Energy Code, the Executive Director makes the following recommendations:

1. In accordance with Section 10-109(k) of the 2019 Energy Code, the CEC should determine that the Section 150.1(c)14 solar PV requirements of the 2019 Energy Code do not apply to the newly constructed low-rise multifamily buildings of the Benjamin Project within the City of Lodi; and
2. Due to the unusually challenging circumstances facing the Benjamin Project in

cost-effectively meeting the 2019 Energy Code solar PV system requirements, the CEC should find that this project is by no means representative of other multifamily projects in California.

III. CALIFORNIA ENERGY COMMISSION FINDINGS

The CEC makes the following findings:

- 1) C Note LP submitted their application to staff on June 7, 2023, requesting a determination under Section 10-109(k) of the 2019 Energy Code that the solar PV system requirements of Section 150.1(c)14 of the 2019 Energy Code not apply to the newly constructed low-rise multifamily buildings of the Benjamin Project within the City of Lodi.
- 2) Staff evaluated C Note LP's application and accompanying documentation, finding that C Note LP has met the requirements in Section 10-109(k) of the 2019 Energy Code.
- 3) Staff evaluated C Note LP's application and accompanying documentation finding that the cost-effectiveness determinations that the CEC made in adopting the solar PV system requirements in the 2019 Energy Code do not apply to the newly constructed low-rise multifamily buildings of the Benjamin Project within the City of Lodi due to 1) the public agency rules adopted by the City of Lodi, and 2) the solar PV system costs estimated in bids from electrical and solar contractors to install the solar PV system designs that C Note LP developed to comply with the City of Lodi's solar PV and electrical system regulations.
- 4) The Executive Director provided a copy of the staff evaluation to interested persons, provided an opportunity for public comment, and considered all public comments received in developing the Executive Director's recommendation.
- 5) The CEC concurs with the Executive Director's recommendation describing the review and validation of the C Note LP's Section 10-109(k) application by CEC staff and recommending approval of the determination made.

IV. CONCLUSION AND ORDER

The CEC has considered staff analysis, the Executive Director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

Therefore, the CEC concludes the following in accordance with Sections 10-109(k) and 10-110 of the 2019 Energy Code:

1. Public agency rules that apply to the Benjamin Project result in the Commission's cost-effectiveness conclusions in the 2019 Energy Code to not hold for Benjamin Project buildings identified in C Note LP's application; and
2. The solar PV requirements of Section 150.1(c)14 of the 2019 Energy Code do

not apply to newly constructed low-rise multifamily buildings of the Benjamin Project within the City of Lodi, California, as identified in C Note LP's application; and

3. Approval of this application is not a project, as defined, subject to the California Environmental Quality Act (CEQA) and, alternatively, if it is a project, it is exempt pursuant to the common sense exemption under section 15061(b)(3) of the CEQA Guidelines; and
4. Due to the unusually challenging circumstances facing the Benjamin Project in cost effectively meeting the 2019 Energy Code solar PV system requirements, this project is not representative of other multifamily projects in California.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on April 10, 2024.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: April 11, 2024

SIGNED BY:

Kristine Banaag
Secretariat