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CALIFORNIA ENERGY COMMISSION

In the matter of:
2025 CALGreen Rulemaking) Docket No. 24-BTSD-02

LEAD COMMISSIONER HEARING

PROPOSED CHANGES TO THE CALIFORNIA GREEN

BUILDING STANDARDS CODE

TRANSCRIPT OF PROCEEDINGS

TITLE 24, PART 11 (CALGreen), APPENDICES A4.2 & A5.2

HYBRID VIA IN-PERSON AND ZOOM

WEDNESDAY, JUNE 5, 2024 9:00 A.M.

Reported by:

Martha Nelson

APPEARANCES

COMMISSIONER

Andrew McAllister, Lead Commissioner

COMMISSIONER ADVISOR

Bill Pennington, Advisor to Commissioner McAllister

Hughson Garnier, Advisor to Commissioner McAllister

CEC STAFF

Payam Bozorgchami, Building Standards Development Unit

Michael Shewmaker, Building Standards Development Unit

Bach Tsan, Building Standards Development Unit

PUBLIC COMMENT

Meg Waltner, Energy 350 on behalf of the National Resources Defense Council (NRDC)

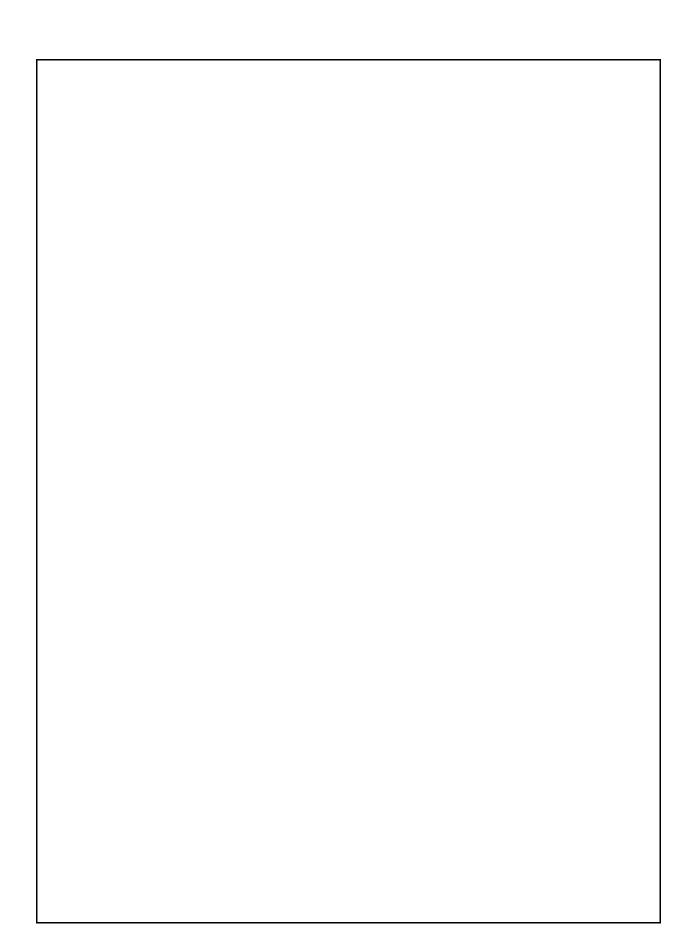
Kelly Cunningham, Pacific Gas & Electric Company

Bob Raymer, California Building Industry Association, and California Apartment Association

Ted Tiffany, Building Decarbonization Coalition

Leora Radetsky, Design Lights Consortium

Claire Warshaw



PROCEDINGS

2 9:05 a.m.

WEDNESDAY, JUNE 5, 2024

MR. BOZORGCHAMI: So good morning, everyone. My name is Payam Bozorgchami again, one of the senior engineers who works here in the Building Standards Branch with the California Energy Commission.

Before we start, Commissioner McAllister is running a little late. He had another conflicting meeting. But since we have two of his advisors, Hughson Garnier, here with us in person, and Bill Pennington, who's on the phone with us, he's recommended that we start the hearings, and he will join us here shortly. So we may do things out of order a little bit, but that's -- it is what it is and we'll just deal with it.

For the folks here with us in person, just a little bit of direction on what's happening and where everything is at. If you go out — the restrooms are located out of the two double doors to your right. And in case of an emergency, if the fire alarm goes off, we will exit the building to your right, and we will meet you up at the Roosevelt Park kitty-corner from us. The security guards will direct you to that location. Please don't go home. We have to take account of who's here and make sure everyone left the building peacefully and safely.

This workshop -- excuse me, this hearing is being recorded. The transcript for this hearing will be available as soon as we get a copy of it.

Am I missing anything? No. And so let's go through some housekeeping rules.

This hearing is being recorded and transcripts from this hearing will be posted on the docket as soon as it becomes available. So to make it easy to follow the transcript, we will have staff present their sections and we will set time aside for comments. For people here in person, please raise your hand or come up to the podium, state your name, your affiliation. And we're giving about two minutes per participant to provide comments.

If you're on the phone or on Zoom, please raise your hand, and I will unmute you. State your name and affiliation and, also, please spell your last name. This is all for the record so we get the transcript done properly. And if you're on the phone, please hit star nine to raise your hand, and I will unmute you. You will have to unmute yourself from your end, and by doing so, you press star six.

Today's agenda. Let me give you a little bit of a quick general structure of the hearing.

Commissioner McAllister was supposed to give the opening remarks, but we will move that after either Michael

Shewmaker doing his rulemaking introduction or after

Chapter 2 of the residential voluntary measures. But he will have time and the opportunity to speak.

We will have a break after our Senior Mechanical Engineer, Bach Tsan, does his presentation on the residential alterations for space conditioning systems.

We'll do about a 15-minute break, then we'll come back.

And Mikey -- Michael Shewmaker, I'm sorry, here in the office we call him Mikey, he's our supervisor of the Building Standards Development Team, he will do the nonresidential voluntary measures, and we will close out with closing comments from Commissioner McAllister and we're good to go. We're hoping we'll be done by noon today, but we'll go as far and as long as it takes and we'll get everybody in.

Here are some websites and links to the information for today's hearing. The first one will give you all the information you need about the rulemaking docket, the documents, and all the documents relied upon. And we have — the next site is our docket where you could find the Notice of Proposed Action, the Environment Impact Report, the Express Terms, and the other documents relied upon.

For today's meeting, again, you will have an opportunity to provide comments here verbally to us. But

if you feel that there's more comments or you have -- you don't feel like presenting it in person to us, you can submit it in writing to us by Monday, July 1st by 5:00 p.m. Please, if you can, submit your comments sooner than later. We ask this every time, and that's because we do need time to really think about and go through the comments and provide viable reasoning to really get a productive set of codes out there for you.

If you're having a little bit of difficulties or you have more concerns and questions, we put the contact information for our Public Advisor, her phone number and her email. If you have any questions or any assistance, she is more than happy to help you. Mona Badie is our Public Advisor.

And here's some contact information. Michael Shewmaker is the supervisor of the Building Standards Development Team. He's also the lead of the Part 11 Code. Myself, I'm one of the senior engineers here at the Building Standards. I'm overseeing Part 6 and Part 11. My counterpart, Bach Tsan, is our senior mechanical engineer. He deals with all mechanical systems. Danny Tam, our assistant mechanical engineer, he's really the expert on pool, solar pool pumps, solar heating, and water heating. Simon Lee is our lead electrical engineer on outdoor lighting requirements. And Stephen Becker is a mechanical

engineer responsible for the lifecycle compliance margin 1 2 and the contact information. 3 If you need to get a hold of other people, Gypsy 4 Achong is our lead for the Building Standards Branch. And 5 firstname.lastname@energy.ca.gov will get you to anybody here at the Energy Commission, especially Gypsy, if we all 6 7 get in trouble. With that, I'm going to pass the mic to Michael 8 9 Shewmaker, as Commissioner McAllister is not here yet. 10 And, Michael, would you like to do the authority, metric, and timeline for us? 11 12 MR. SHEWMAKER: Yeah. Thank you, Payam. I am 13 going to share my screen. All right. 14 Good morning, everyone, and thank you for joining 15 us for today's Lead Commissioner Hearing on the 2025 update 16 to CALGreen. My name is Michael Shewmaker, and I'm the 17 supervisor of the Building Standards Development Unit. Before we dive into the proposals, I would first 18 19 like to briefly go over the CEC's authority with respect to 20 CALGreen, as well as the underlying energy metrics and 21 timelines for the 2025 update. 22 So starting with the Energy Commission's 23 authority, in 1974, two California Assemblymen, Charles

Warren and Al Alquist, co-authored the Warren-Alquist Act.

This Act directed the Energy Commission to reduce the

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wasteful, uneconomic, inefficient, or unnecessary consumption of energy as it relates to buildings.

To help comply with this directive, the CEC has the authority to update and maintain the state's mandatory Building Energy Efficiency Standards under Title 24, Part 6, or otherwise known as the Energy Code.

This language also provides us with the authority to update the voluntary building energy efficiency requirements within the Green Building Standards Code, known as Title 24, Part 11, or otherwise known as CALGreen.

Within CALGreen, the CEC is considered an

adopting agency, meaning we have the ability to adopt our own regulations separate from the main rulemaking proceedings led by the Building Standards Commission.

However, this authority to adopt is limited to just two specific sections, Appendix A4.2, Residential Voluntary Measures, Energy Efficiency, and Appendix A5.2,

Nonresidential Voluntary Measures, Energy Efficiency. Once adopted by the CEC, these regulations are then approved with Building Standards Commission for inclusion in Part 11.

Now let's go over our underlying energy metrics that help us to determine energy savings and cost-effectiveness.

For the 2025 Energy Code, we are pivoting away

from using the old time-dependent valuation, or TDV metric, to using long-term system cost, or LSC. LSC is a cost-effectiveness and energy valuation methodology used in development and implementation of the Energy Code. LSC factors are used to convert predicted energy use to long-term dollar costs to California's energy system.

The underlying varying valuation of energy that depends on the time of day and day of the year that was used for TDV has not changed, but we have converted those energy savings into long-term system cost savings to better reflect the actual cost of energy to consumers, the utility system, and to society. And the graph you see here represents an average days dollar per megawatt hour and how that cost varies by time of day and the different inputs that go into that cost.

The source energy metric was introduced for newly constructed buildings during the 2022 Energy Code and is defined as the source energy of fossil fuels following the long-term effects of any associated changes in resource procurement. It focuses specifically on the amount of fossil fuels that are combusted in association with demand-side energy consumption and assists in aligning our Code language with California's environmental goals.

To calculate source energy for a given hour, the value in that hour for each forecasted year is averaged to

get a lifetime average source energy.

California's climate zones. This is not new to this Code cycle, but hopefully it serves as a refresher if you are already up to speed on California's Energy Code.

Because a building's energy use can vary depending on weather conditions throughout the state, the Energy Commission has established 16 individual climate zones that represent the various distinct climates within California. As a result of having these 16 climate zones, requirements can vary significantly from climate zone to climate zone as the energy savings will vary and measures are found to be more or less cost-effective.

Now, let's go over how far we've come this Code cycle.

From June 2021 to July of 2023, the Codes and Standards Enhancement Team, or CASE Team, took in measure proposals ideas, held 19 different public workshops on those measure proposals, and finalized reports for those proposals.

From March to November of 2022, the Energy Commission updated weather data and LSC and source energy metrics.

From March to September 2023, the CEC held nine pre-rulemaking workshops on the proposals for the 2025

Code. This included the single-family heat pump

1 replacement item.

And then in March of this year, the CEC presented our proposed changes to Part 11 in front of the Green Code Advisory Committee.

And finally, we published our proposed regulatory language on May 17th for the required 45-day public comment period, which is currently ongoing.

And so, what comes next?

The 45-day public comment period runs through

July 1st. We are here today hosting our Lead Commissioner

Hearing, and following today's hearing and the conclusion

of the 45-day comment period, the CEC will then incorporate

any changes into the 15-day proposed regulatory language.

We will then hold the 15-day public comment period sometime in late July or early August. And then we hope to adopt our proposed changes to CALGreen at our September 11th business meeting.

We will then submit our entire rulemaking package at the Building Standards Commission in October with the hope that they will then approve our updates in December.

And then finally, the 2025 Code will go into effect on January 1st, 2026.

And that brings me to the end of our rulemaking introduction.

So I'll pass it back to you, Payam.

1 MR. BOZORGCHAMI: Actually, since the 2 Commissioner is not here, I recommend you go ahead and keep 3 going into the body of Part 11. 4 MR. SHEWMAKER: Okay. Sounds good. 5 All right, so once again, my name is Michael Shewmaker. I'm the supervisor of the Building Standards 6 7 Development Unit. And I, along with my colleague Bach Tsan, am here this morning to present the CEC's proposals 8 9 for the 2025 update to the Green Building Standards Code, 10 known as Title 24, Part 11, and otherwise known as 11 CALGreen. 12 Before we dive into the proposed changes to 13 Appendices A4.2 and A5.2, I'd first like to quickly mention 14 our proposed changes to the definitions found in Chapter 2. 15 Now, as I just said moments ago, the CEC's 16 authority is specific to Appendices A4.2 and A5.2, so these 17 changes are being made in conjunction with the Building 18 Standards Commission and HCD (phonetic) as part of their 19 Now, diving into those definitions, as rulemaking. 20 part of the CEC's proposed changes to the 2025 Energy Code, 21 we will be pivoting away from the old energy accounting 22 methodologies of energy design rating and time-dependent 23 valuation, so we are proposing to remove the following 24 definitions from Chapter 2. 25 As I mentioned earlier, for the 2025 Energy Code,

we will be using long-term system cost as our primary energy accounting methodology. Long-term system cost is defined as the CEC's projected present value of costs over a 30-year period for California's energy system. Note: LSC does not represent a prediction of individual utility bills.

Along with adding a new definition for long-term system cost, we would also modify the existing definition for energy budgets to reflect usage of the new LSC energy accounting methodology. For newly constructed buildings, the energy budget will be expressed in terms of long-term system costs and source energy. And for additions and alterations, the energy budget will be expressed in terms of just LSC.

And finally, to go along with our solar pool or spa heating proposal, which I will cover during my presentation. We are proposing to add definitions for recovered energy, on-site recovered energy, and solar pool heating systems.

And that's it for our changes to definitions.

So, Payam, should we continue on to appendix --

MR. BOZORGCHAMI: I think we should, yeah.

MR. SHEWMAKER: All right. And so while we wait for the Commissioner, we will continue on with our presentation.

And so now that we've covered the relevant definitions, I will dive into the residential voluntary measure section, Appendix A4.2, Energy Efficiency.

So here you have an overview of all of what we're proposing for the residential section. So I'll pause here for a moment, and then I'll dive into each one of these items individually in the coming slides.

But to help facilitate the conversation around the single-family altered space conditioning systems proposal, which I'm guessing is why most of you have tuned in today, we will move that item to the end of this section so that we can immediately take questions and comments following.

So starting with the performance LSC compliance margins proposal, as mentioned earlier, the Energy Commission is moving away from the old energy design rating energy accounting methodology and moving towards long-term system cost. In addition to changing energy accounting methodologies, we are also proposing to update the performance compliance margins based on the proposed 2025 two heat pump baseline in Title 24, Part 6, plus verified low-leakage ducts in conditioned space and/or compact hot water distribution depending on the climate zone.

The proposed LSC compliance margins will offer jurisdictions an option to increase energy efficiency

beyond the Energy Code by increasing the efficiency of space conditioning and/or water heating distribution systems within the building.

In climate zones where space heating and or space cooling are the predominant energy and uses, we are proposing verified low leakage ducts in conditioned space.

And we are proposing compact hot water distribution where water heating energy usage is prominent.

For Climate Zones 1 through 5, 11, 12 and 14 through 16, the LSC compliance margins are based on the proposed Title 24, Part 6, two heat pump baseline, which is a heat pump space heater and a heat pump water heater plus the verified low-leakage ducts in condition space and compact hot water distribution. In Climate Zones 6 through 10 and 13, the LSC compliance margins are based on the proposed Title 24, Part 6, two heat pump baseline, plus compact hot water distribution only.

And so here you have the actual proposed LSC compliance margins for each climate zone. And I should emphasize that these LSC compliance margins can be met by various means. You are not required to install a verified low-leakage duct system or a compact hot water distribution system if you choose not to, provided you meet or exceed the proposed LSC compliance margin.

And now moving to our outdoor lighting proposal,

for 2025 we are proposing a new set of outdoor lighting standards based on industry best practices. One standard is to require the outdoor luminaires to shine the light to where it is designed for. For the outdoor luminaires designed for putting lights on freestanding surfaces, the luminaire is required to direct the light onto the intended surface and to be installed above the surface facing downwards and be shielded to prevent upward light pollution.

Another standard is to require pole-mounted luminaires or arm-mounted luminaires to be installed so that they are not tilted greater than ten degrees or that the mounting hardware not be capable of tilting greater than 10 degrees. With proper aiming and tilting to level the luminaire, glare can be minimized and thereby ensure the outdoor lighting is used efficiently.

And then exceptions are provided for luminaires that are already exempted from the Energy Code.

And now moving to our alterations to pool or spa heating systems proposal. This measure would apply only to multifamily pool or spa heating system alterations and allows for several different compliance pathways. A solar thermal pool heating system with a collector surface area equal to 65 percent of the pool surface area, or a primary heat pump pool heater, meeting the sizing requirements in the new reference Appendices section, JA.15, as well as minimum efficiency requirements, or on-site renewable energy or on-site recovered energy, providing at least 60 percent of the annual heating energy.

And then for the 15-day express terms, we are planning to add options for a combination of solar pool heating and heat pump pool heater without an additional supplementary heater or an equivalent system as determined by the CEC's executive director.

There are also a few exceptions to the standard for portable electric spas compliant with the Appliance Efficiency Regulations and a pool or spa that is heated solely by a solar pool heating system.

And then for the 15-day express terms, we are considering adding an exception for projects that have inadequate solar access roof area.

And for this last item, I'm going to pause here and pass the mic off to my colleague, Bach Tsan, who is one of our senior mechanical engineers in the Building Standards Branch, to walk us through the alterations to space conditioning systems mechanical cooling proposal.

(Pause)

MR. TSAN: Oh, I'm sorry, there you go. So I'll start over, but this is the alterations to air conditioning systems in section A4.204.1.1-A.

So in this Code cycle, the Energy Commission has proposed a voluntary measure in CALGreen, Title 24, Part 11, to make heat pumps a prescriptive standard when replacing existing space conditioning systems. This measure applies to single-family homes in California for Climate Zones 1 through 14 and 16.

existing service panel is insufficient to service the additional electrical capacity of heat pumps relative to newer replacement air conditioner. And when the required capacity of a heat pump is greater than or equal to 12,000 BTUs per hour, more than the required capacity of an air conditioner, and for alterations to ACs in Climate Zone 15 due to the minimal heating load, which impacts cost effectiveness. And compliance can also be met with the performance approach. Okay.

So compliance can alternatively be met as an alternative approach here, which allows the installation of standard air conditioners if paired with additional energy efficiency measures. Exceptions are also included where the cases where the existing panel cannot be supported with the 12,000 Btu or more greater of that for an air conditioner exception. So this is a volunteer measure. Only residents and locations where it has been adopted by a local ordinance would need to comply.

So according to the CEC's 2025 Single-Family Heat Pump Replacements Report, this measure was cost-effective across all climate zones except for Climate Zone 15. The CEC's cost-effectiveness test evaluates the long-term system cost of a measure over 30 years. So considering a measure cost-effective, if it's positive, has a positive long-term savings, system savings.

All right, and we'll jump to this slide where we describe the voluntary measure benefits.

So part 11 is being proposed for a number of reasons.

First, the upfront costs of the initiative fall on the residents rather than the builders or developers who typically incur the upfront incremental costs of the building standards for newly constructed buildings. As shown in the previous slide, this measure has found -- was found to be -- has been found to impose initial costs on residents of existing single-family homes who may not be in the same financial situation as home builders or developers.

In this state, as large as and diverse as

California, this measure could affect residence enabling

due to varying home heating and cooling needs, the

condition of the existing homes, the electric rates, which

differ significantly across the state. Implementing a

statewide requirement prematurely could lead to undue costs for some consumers and an increase in unpermitted installations, which California aims to avoid.

This approach will allow the California Energy
Commission to establish heat pump partnerships with
manufacturers and rollout incentive programs that
prioritize benefiting low-income communities.

Furthermore, this proposal aligns with the anticipated influx of public subsidies aimed at supporting heat pump installations. It also provides installers with the necessary time to become familiar with the heat pump technology.

This measure will provide progressive local governments with ready-to-adopt standards, encouraging the market to transition from standard air conditioners to heat pumps where it makes sense based on local conditions. This measure is a critical step for decarbonization of existing buildings.

So overall the benefits allow for a transition to heat pumps that helps achieve California's energy and greenhouse gas objectives by increasing energy efficiency of space conditioning systems in existing buildings and enhancing building decarbonization efforts.

So combined with the strong statewide heat pump standards in the 2025 Energy Code, the measure aims to

1 accelerate the heat pump market and support the goal of 2 deploying 6 million heat pumps by 2030, while continuing 3 the tradition of reducing wasteful, uneconomic, 4 inefficient, or unnecessary consumption of energy. 5 And are there comments and questions or -- so I'll hand it back to Payam. 6 7 MR. BOZORGCHAMI: Sorry. Thank you, Bach. 8 Now we're going to open up for comments and, 9 folks, it's your turn. So if you have any comments, 10 questions or clarifications that you need, please, this is 11 the time. 12 Give me one second and I'm putting this slide 13 back this slide back on just to remind everybody how to -if you're in person, come up to the podium, and if you're 14 15 on call, please raise your hand and we will unmute you. 16 Unfortunately Commissioner McAllister still 17 running a little late. He has another, like I said 18 earlier, he has a conflicting meeting. As soon as he's 19 done there he's going to be -- actually, he's going to be 20 sprinting over in about, hopefully, ten minutes. 21 will get a chance to hear from him but it's just, it is 22 what it is and we'll deal with it. We do have two of his Commissioners -- excuse me, 23 24 two of his advisors here and we do have legal present, so I

think we're good to move forward.

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1 With that, I see Meg, you have your hand raised, 2 Please state your name and affiliation and, for the record, 3 spell your last name. Thank you. 4 MS. WALTNER: Can you hear me? 5 MR. BOZORGCHAMI: Yes, perfect. MS. WALTNER: Great. Hi. Meg Waltner, 6 7 W-A-L-T-N-E-R, from Energy 350, speaking on behalf of the Natural Resources Defense Council. 8 9 Yeah, I just want to voice my overall support for 10 the measures proposed today. As I know you all are aware, 11 we would have preferred to see both the pools and AC to 12 heat pump alterations measures in Part 6, but if they're 13 not going to be in Part 6, we're strongly supportive of 14 them being here in Part 11. And the AC to heat pump 15 measure in particular really leverages a key opportunity to 16 install heat pumps in the state when it makes the most 17 sense when you're already changing out that AC rather than 18 locking in an AC again for another 15 years and locking out 19 that heat pump technology. 20 And similarly, the pool alteration measures 21 results in significant emissions reduction, so happy to see that in Part 11 if it wasn't going to be in Part 6. 22 23 I did just want to make a comment on the 24 incremental first costs that are in the report. Those are, 25 I think, based on the survey of a few contractors that you

1 all did last August or so, or last fall. And since then, 2 the TECH program with Opinion Dynamics did a much broader 3 contractor survey around costs and found lower incremental 4 first costs than what you all found in that initial survey. 5 And so I just recommend updating that report with 6 those Opinion Dynamics numbers. They just will enhance the 7 case for cost effectiveness and show a lower incremental first cost, so I would recommend updating that for the 8 9 final report. 10 But, yeah, overall supportive and, you know, 11 thanks for all your hard work on all of this. Thanks. 12 MR. BOZORGCHAMI: Thank you, Meg. I'm not going 13 to take credit for the work that Bach and the team did, but 14 thank you for your comment. 15 I thought I saw one other raised hand but I think 16 I missed it. 17 If not I'm going to open up to people in the in 18 the room. 19 MS. CUNNINGHAM: Hi. Good morning. Kelly 20 Cunningham, Pacific Gas & Electric. Do I need to spell my 21 last name today? 22 MR. BOZORGCHAMI: No, we know you, Kelly. 23 MS. CUNNINGHAM: Thank you. Okay. So, just a 24 few comments. 25 First of all, thank you. I think this provides

some exciting voluntary options for our jurisdictions. I am a program manager for the PG&E Local Energy Codes

Program, also known as Reach Codes, and encourage the

Commission to maybe extend additional support this cycle to local jurisdictions wanting to really hear the cost effectiveness and the options that are behind these voluntary suggestions, and also how they could perhaps customize them as they go through their ordinance process.

So although you've offered support in the past, maybe expanded support, really an invitation to talk through things for that climate zone and for that city.

Our program is also here to support with additional resources for that city, but hearing it from the Commission directly has a tremendous value, so encourage that.

So taking off that hat and putting on my PG&E hat, we did make a comment back when this was in the express terms last fall from Pacific Gas & Electric and not through the Local Energy Codes Program, just noting that new furnace allowed for backup does lock in that gas technology for a long time.

So although we recognize that dual fuel systems are a viable alternative in the meantime while the decarbonization movement is taking place, allowing for that new furnace, it does have a long lifetime, so referring back to our letter from the fall. However, cities can

1 adjust these. They can take them wholesale or they could 2 adjust them. So in a way, having it in Part 11 allows for 3 more flexibility. So thank you very much. And from the Codes and 4 5 Standards Enhancement Team, we will be filing our comments via the docket in the next few weeks. 6 Thank you so much. 7 MR. BOZORGCHAMI: Thank you, Kelly. 8 Mikey, do you want to comment on that? 9 MR. SHEWMAKER: Yeah, I'd like to respond. Thank you, Kelly. This is Michael Shewmaker with 10 11 the California Energy Commission. 12 So in response to assistance for local 13 jurisdictions who are planning or intend to potentially 14 take up the single-family heat pump replacement item, we do 15 very much intend to provide what support we can to those 16 local jurisdictions. So already once, we have presented 17 this material to the IOU REACH Code Team monthly meeting. 18 And moving forward, we do plan to work closely with that 19 group to provide what information we can to local 20 jurisdictions to make it as easy as possible for them to 21 adopt. 22 MS. CUNNINGHAM: May I ask a follow-up? 23 MR. SHEWMAKER: Please. 24 MS. CUNNINGHAM: Does that include individual 25 jurisdictions? Could they reach to the Commission

1 directly, or would you -- or is it more in the public 2 format, maybe in multiple jurisdiction meetings? 3 MR. SHEWMAKER: If they would like to reach out 4 to us directly, they are more than welcome to. So in 5 addition to that outreach, we have made available the 6 Single-Family Heat Pump Replacements, not case report, but 7 Technical Report, so that is available. We are trying to come up with what additional information we could put 8 9 together that would be helpful to the local jurisdictions. 10 So, yeah, any format, we're happy to participate. 11 MS. CUNNINGHAM: Thank you. 12 MR. BOZORGCHAMI: We have Bill Pennington. 13 has his raised hand. He's our advisor to Commissioner. 14 Bill, did you want to --15 MR. PENNINGTON: Yes. Can you hear me? 16 MR. BOZORGCHAMI: Perfect, thank you. 17 MR. PENNINGTON: Okay. Thank you. Bill 18 Pennington. I'm an advisor on building standards to the Commissioner. 19 20 And just wanted to amplify Mikey's response to 21 The Commissioner is extremely excited in engaging 22 with all parties who might be appropriate to try to pursue 23 local adoption of this measure. And the Commissioner is 24 interested in having the staff support all efforts to do 25 that, whether that be from the environmental advocates, the

1 building decarbonization advocates, the REACH Code Team, 2 the Air Quality Management Districts, the regional energy 3 networks. And, you know, not that the Energy Commission 4 necessarily needs to be point on doing all of this, but the 5 Commission is very interested in seeing it. MR. BOZORGCHAMI: Thank you, Bill, for the 6 7 information. I do have to say that Commissioner McAllister 8 9 just walked in. Commissioner, if you don't mind, I'm going to 10 11 open it up for Bob Raymer to -- he's had his hand raised 12 for a while. 13 COMMISSIONER MCALLISTER: Yeah. MR. BOZORGCHAMI: And then we'll have you. 14 15 Apologize. 16 Go ahead, Bob. State your name and affiliation 17 and spell your last name, sir. 18 MR. RAYMER: Thank you. This is Bob Raymer. 19 Last name is R-A-Y-M-E-R. I'm representing today the 20 California Building Industry Association and the California 21 Apartment Association. 22 And first, I'd like to start off with a question 23 for Mikey. Are we talking about just single-family homes 24 here or, given the way it's presented, it looks like it 25 would also apply to low rise multifamily. Am I reading

1 that correctly? 2 MR. SHEWMAKER: So, Bob, I assume you're talking 3 about the LSC compliance margins proposal? 4 MR. RAYMER: Well, the HVAC. 5 MR. SHEWMAKER: -- or the single --The HVAC. MR. RAYMER: 6 7 MR. SHEWMAKER: So that measure in particular is 8 specific to single-family only; is that correct, Bach? 9 MR. TSAN: Yes, that is. MR. RAYMER: Okay. That really takes care of a 10 11 lot of my concerns. 12 Yeah, we are definitely supporting the exceptions 13 that you've included for electrical capacity shortfalls. 14 Depending on what part of the state you're in and the 15 urbanized area, if it's infill or whatever, that's a real 16 concern these days. Hopefully that'll get corrected. 17 I would indicate that you might want to consider, 18 and we'll work with the staff before we get our comments in 19 by the July 1st deadline, but you may want to consider the 20 addition of a third exception dealing with space 21 constraints. If you go back three to four years when the 22 Commission was first considering this, we did recognize 23 that there were a number of sort of physical constraints 24 that have to be met with electric heat pump technology that 25 may not necessarily be the same for the gas, and we'll deal 1 | with that.

Lastly, you know, I've looked at your either/or, the A or the B, and you're characterizing it as a prescriptive mandate. It seems a little bit more like more of a performance where you either do the heat pump, or if you don't do the heat pump, you do these other things with a gas system. You know, once again, I'll be contacting CEC staff offline to make sure we're reading this correctly.

But the big thing today is I wanted to confirm that the HVAC change-out that you're discussing here did not apply to multifamily. And Mikey just confirmed that. So thank you very much.

MR. BOZORGCHAMI: Thank you, Bob. Bob, I'm going to recommend, if you could submit that in writing to us, and sooner than later, so we could actually get the dialogue going with Bach and Mikey and other staff members to resolve some of that concerns and evaluate this third exception that you brought up to us.

MR. RAYMER: Yeah, I'll get it to you early next week.

MR. BOZORGCHAMI: Thank you. Great.

With that, I have, Ted. Go ahead and state your name, affiliation, and spell your last name, please, for the record.

MR. TIFFANY: Yeah. Hi. Ted Tiffany, Building

Decarbonization Coalition. Tiffany is T-I-F-F-A-N-Y.

Bob, you bring up a good point, but I just want to make sure that we're clear on the space constraint issue. This is for AC replacements. And this is a question to staff, I guess, to clarify with Bob, the space constraint issue being space within the internal space?

Because if this is an AC replacement, the space for the air conditioning on the external space is already existing.

And most of those concerns with were property line issues, HOA issues with the external condenser that would already be there in this constraint.

So we didn't see many internal constraints with the AC replacement at all, even in keeping the remaining furnace. So just make sure staff understands what the space constraint is there.

So thank you for the comment, Bob, and I appreciate your support on this.

MR. BOZORGCHAMI: Thank you, Ted. Yeah. Yeah, we'll look into that and we'll have a dialogue with Bob as soon as we get that comment in writing to us.

I don't see any Q&A. Let me check the chat, too. I don't see any comments in the chat or in the Q&A. And I don't see any more raised hands.

So with that, since Commissioner McAllister is with us now, Commissioner, would you like to say a few

words?

COMMISSIONER MCALLISTER: Great. Well, thanks, Payam, really appreciate it, and the team and everyone who's both here in the room and online, and for the comments. I just walked in about five or ten minutes ago and heard some of the comments.

But I did want to just maybe drill in a little bit or just expand upon what Bill Pennington talked about with respect to the AC heat pump measure. As he said, I am super excited to push this forward. You know, this measure is key. It's critical for our decarbonization success. And existing buildings are, you know, arguably the toughest nut to crack in this transition. And we need to take advantage of every opportunity to, you know, get as many heat pumps installed and as we possibly can, get that marketplace really truly transformed and up to scale.

And so I think the diversity of the state is such that there will be, you know, hopefully many locales, localities that will be ready to adopt this locally. And, you know, in the past, the Energy Commission has been a little bit arm's length with respect to local ordinances. To the extent that local governments are adopting energy-related ordinances that revolve around Title 24, they bring them to us for kind of a confirmation that they've followed the right process, essentially. And so we've sort of

waited until that point to receive those applications and kind of make sure that we sort of go through our legal responsibilities to vet and make sure that the localities, the local jurisdictions have done it kind of correctly within the letter of the law.

In this case, you know, I think we need to take a more collaborative posture. And obviously, you know, we don't want to be in the business of giving sort of firm legal advice to local jurisdictions or playing sort of, you know, a role of sort of directing in any way. But I think this measure, there will be, you know, a number of localities for which this measure really does comport well with their near-term climate planning goals. And we want to be as supportive as we possibly can.

And, you know, we've heard the local governments, cities and counties, tell us that it's a lot of work for them. It's a big lift for them to do these local ordinances. And so we want to try to work with stakeholders, whether that's the building decarbonization community, the environmental community, the justice communities across the state to try to sort of streamline a process and figure out what the local governments need and try to get them what they need to be -- to move forward seamlessly and as sort of low touch as possible.

So, you know, super excited about that

collaborative approach and, you know, looking forward to the dialogue to figure out exactly what it is we can do to help. And we do have some staffing resources that we can dedicate to this to sort of help determine that path forward.

So, you know, again, there's -- you know, this is not an easy measure necessarily. You know, you saw the sort of incremental costs, and I understand there will be some dialogue about that going forward. But it's not cost free, but it is the sort of lowest touch of all the options to get heat pumps in place in as many homes as possible. across the state. So we really want to work to make that happen and looking forward to a positive collaboration with stakeholders.

And just more broadly, I just want to thank staff for putting this together. You know, CALGreen is a key part of how we do the Building Code. And Part 6 is further down the road. And, you know, everybody should be looking out for the 15-day language here in the coming days. The team's been working hard on that.

CALGreen is, the energy piece of CALGreen that we're talking about here today, is a really key complement to the Part 6 piece of Title 24. And it really does create the kind of flexibility and innovation drive that we need to get measures that are more innovative deployed across

the state so that we can, you know, create sort of a positive feedback loop and get the ones that really work and really are proven into Part 6.

So I really appreciate everyone's engagement on this. And we really want to open up pathways to push the envelope and to innovate. And I know the stakeholders involved in Title 24 really want to do that as well. So appreciate everyone's attention.

MR. BOZORGCHAMI: Thank you, Commissioner. Thank you so much.

I'm going to ask if there's any more raised hands or anybody have any comments, questions, concerns?

If not, here's -- again, if you're not comfortable talking or speaking today or commenting today, please do so by July 1st, 5:00 p.m., that would be great. The sooner the better. And there's some information here, too, with websites and links.

And one thing we do recommend is if you could use the docket and submit the comments yourself versus trying to email it to our docket and have them docket it. And the reason I say that is because I'd rather see who the comment submitter is versus saying CEC staff. If, for example, if I'm using Bob Raymer, if Bob Raymer submits it from CBI, I know that docket came directly from Bob Raymer versus if Bob sends that to our docket staff and our docketing team

1 submits it, it will say CEC staff and it doesn't really 2 help us too much. 3 So if you can docket the document yourself, it 4 would be much more helpful than sending -- emailing it to 5 us. But if you have no choice, you just don't have no choice. 6 7 And again, the public advisor is also more than happy to help you with that, and her contact information is 8 9 there. And the Public Advisor for the Energy Commission is 10 Mona Badie, and she's also very helpful. 11 More information. 12 And with that, we're going to take a quick 15-13 minute break, and how about just coming back at 10:15, if 14 that works for everyone? So we'll take a ten-minute break 15 now, thank you. 16 (Off the record at 9:57 a.m.) 17 (On the record at 10:16 a.m.) 18 MR. BOZORGCHAMI: All right, folks, welcome back 19 We have one more section left, and Michael 20 Shewmaker is going to be presenting on that. That's the 21 nonresidential voluntary measures. 22 Mikey. Sorry. Michael? 23 MR. SHEWMAKER: Thank you, Payam. Okay, hello 24 My name is Michael Shewmaker, supervisor of the again. 25 Building Standards Development Unit.

And now switching gears to our nonresidential voluntary measure proposals, most of the proposals here mirror their residential counterparts. So I apologize in advance for the repetition but, fortunately, this section is short. So here you have an overview of all of what we're proposing for the nonresidential section. So, again, I'll pause here for a moment, and then I'll dive into each one of these items individually.

Okay, so starting with outdoor lighting, these proposed changes would modify the existing language to mirror the standards being proposed for residential buildings. And so, again, that means outdoor luminaires designed for putting light on freestanding surfaces would be required to direct the light onto the intended surface and be installed above the surface facing downward and require shielding. And pole-mounted or arm-mounted luminaires shall not allow tilting greater than ten degrees. And then there would be an exception for luminaires that are already exempted from the Energy Code.

Next, we have the alterations to pool or spa heating proposal, which again mirrors what was previously discussed for residential multifamily buildings. This measure would apply to nonresidential pool or spa heating system alterations and allows for the same compliance pathways mentioned earlier. A solar thermal pool heating system with a collector surface area equal to 65 percent of the pool surface area, or a heat pump pool heater meeting the sizing requirements in the new reference appendices section, JA-15, as well as minimum efficiency requirements, or onsite renewable energy or on-site recovered energy providing at least 60 percent of the annual heating energy.

And then, again, for the 15-day express terms, we are planning to add options for a combination of solar pool heating and heat pump pool heater without an additional supplementary heater or an equivalent system as determined by the CEC's executive director.

And then just like in the residential section, there will be exceptions for portable electric spas compliant with the appliance efficiency regulations and a pool or spa that is heated solely by a solar pool heating system. And then for the 15-day express terms, we are again considering an exception for projects with inadequate solar access roof area.

And then finally, these last two items I'll cover are a couple of minor changes that we are planning to make.

In section A5.211, we are proposing to strike the entire section as this language has been superseded by the prescriptive PV requirements within the Energy Code. And we plan to mark it as reserved to avoid having to renumber the

1 subsequent sections. 2 In section A5.213, we are proposing to strike 3 steel from the section name to remove the limitation and 4 facilitate any potential expansion of this section to other 5 framing systems in the future. And that concludes my presentation. 6 7 So now I'd like to open things up again for 8 comments and questions. 9 MR. BOZORGCHAMI: Thank you, Mikey. Mikey, can 10 you go to the next slide? With that, I have one raised hand. Leora 11 12 Radetsky, if you could unmute yourself, and state your name 13 and affiliation and, please, spell your last name for the 14 record. 15 MS. RADETSKY: Sure. Thank you. Can you hear 16 me? 17 MR. BOZORGCHAMI: Perfect, thank you. 18 MS. RADETSKY: Great, my name is Leora Radetsky, 19 it's R-A-D-E-T-S-K-Y. I am Senior Lighting Scientist with 20 the Design Lights Consortium, or the DLC. 21 We would like to recognize CEC in California for 22 your leadership in energy and environmental protection. We 23 support your approach in the new CALGreen 2025 proposal to 24 limit sky glow and light trespass by applying a maximum of 25 ten degree tilt, as well as requiring shielding language in

1 your Code language. 2 We'll be submitting written comments, as well, 3 but I did want to make the comment that we have a program 4 that also optimizes energy efficiency and environmental 5 goals called LUNA. And our LUNA requirements will provide a way for end-users to meet CALGreen's requirements in a 6 7 simple prescriptive manner for compliance with these new 8 proposals. 9 So thank you very much. 10 MR. BOZORGCHAMI: Thank you. Before you get off 11 the call, have you reached out to Simon Lee, our lead 12 electrical engineer, who's been really working on the 13 lighting? 14 MS. RADETSKY: Yes. 15 MR. BOZORGCHAMI: Okay. Good. As long as he's 16 aware of the program, we will take a look at it and 17 evaluate it. Thank you so much. 18 MS. RADETSKY: Yes. Yes, absolutely. Thank you. 19 MR. BOZORGCHAMI: I don't see any more raised 20 hands, and I don't see any questions in the Q&A. 21 Oh, we do have one person here in the Commission. 22 Apologize. Go ahead. State your name and affiliation. 23 Oh, hold on one second. You've got to press that button to 24 get the green light showing. 25 MS. WARSHAW: Hi. My name is Claire Warshaw. My

last name's spelled W-A-R-S-H-A-W. I don't have any special affiliation. I'm just a member of the public. And I wanted to say a couple things after listening.

I haven't followed these issues closely. So I'm just kind of learning along with a couple of meetings, because the last business meeting I attended, there was a bunch of Sierra Club members during public comment that came. I have participated a long time ago with the Sierra Club, but not recently at all. I don't know why they showed. I don't know why they're not here either.

But after listening to that, I kind of understand their point of view a little bit. I kind of see where they're coming from, and about pushing heat pumps and not having more gas, but that not really a huge issue of mine. I just kind of see it now more why they are concerned that it isn't in the Energy Code and is here instead.

But that's my own perspective. I'm just sorry they're not here, too, if they're listening, I hope they're listening.

The other thing I wanted to say is to give hope to more of these voluntary compliance measures, because I live in an area that seems resistant to a lot of things that are proposed. I'm near Rancho Cordova and in an unincorporated part of Sacramento County. I would say, for example, the pool standards, the spa and pool standards

pump things that you're suggesting I have not even seen or heard of in terms of a solar thermal situation.

existing examples, see that in the information you provide when you're sharing this today so that, you know, people that just happen to, like me or Sierra Club, whoever they are, happen to listen might think that it's possible instead of having to, like, we have to insert ourselves into a whole bunch of literature to find out what you're talking about. So sharing some examples, current examples that are existing might be nice.

Thanks. Thank you.

MR. BOZORGCHAMI: We did post the express terms in our docket for public review. And what we do, we do have an outreach program here at the Energy Commission that, and then I know that there's the program called Energy Code Ace that provides information, educational information for the public. And we also have an Outreach and Information Group ran by Chris Olvera, who does training and provides educational information. All that can be found on our website.

And the other one is energycodeace.org -- .com, excuse me, energycodeace.com that has a slew of information on not just pool heaters and solar but on everything energy efficient related. So the information's out there, but

1 thank you.

I don't see any more raised hands or any comments in the Q&A.

So I'm going to, Commissioner if it's okay, I'm going to open it up for everyone for anything that you heard today, not just on the nonresidential, but for both res and nonres as related to CALGreen.

Bob, go ahead and state your name and affiliation again for the record.

MR. RAYMER: Yeah, this is Bob Raymer, last name is R-A-Y-M-E-R, representing California Building Industry Association and the California Apartment Association.

And to the last speaker, you may be unfamiliar with the Green Code Advisory Committee that the Building Standards Commission has, but as we were going over the Department of Housing and Building Standards Commission changes to the Green Code earlier this year, the CEC provided sort of an update. And the Sierra Club was heavily represented during that hearing, and they seemed to be quite aware of where the CEC was headed, and nobody seemed to be having objections.

So for that, the CEC's done a pretty good outreach program. Thank you.

MR. BOZORGCHAMI: Thank you, Bob. And I did forget about the Green Code Advisory. I apologize. Yes.

That is another organization that people can participate, partake with.

So again, please submit your comments to our docket by or before -- hopefully sooner than later -- but at least by July 1st, that's Monday, by 5:00 p.m. And that, again, this information -- Mikey, next slide, please -- this information will be available, our transcript -- and the presentation from today will be available on our docket hopefully by tomorrow, if not sooner. And the transcripts, as soon as we get a copy of it, we will post those on our docket, too.

I think with that, this concludes our hearing for today.

Commissioner, do you have any --

COMMISSIONER MCALLISTER: I just really want to thank all the commenters, really appreciate the folks who are paying attention to this.

And, also, really deep thanks to staff for what is deceptively a huge amount of work to put together all the parts of Title 24 that the Energy Commission takes the lead on including CALGreen, which is so critical to our decarbonized buildings future. So I really appreciate all the effort and is a big, a nice step forward.

So looking forward to folks written comments on the record. Thanks a lot.

1	MR. BOZORGCHAMI: Thank you. With that, this	
2	concludes today's hearing. Thank you everyone.	
3	(Off the record at 10:30 a.m.)	
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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July, 2024.

MARTHA L. NELSON, CERT**367

Martha L. Nelson

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

MARTHA L. NELSON, CERT**367

July 10, 2024