

DOCKETED	
Docket Number:	22-BSTD-07
Project Title:	Local Ordinance Applications Exceeding the 2022 Energy Code
TN #:	259164
Document Title:	City of San Rafael Resolution No 24-0911-03dv
Description:	Resolution finding building energy efficiency standards contained in the City of San Rafael Ordinance No. 2036 satisfy statutory requirements under Public Resources Code Section 25402.1(h)(2).
Filer:	Michael Shewmaker
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/13/2024 12:55:35 PM
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STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN THE CITY OF SAN RAFAEL ORDINANCE NO. 2036 SATISFY
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION
25402.1(h)(2)**

WHEREAS, The City of San Rafael adopted Ordinance No. 2036, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency and conservation standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The City of San Rafael submitted an application to the CEC that included (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2036 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 2036 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards, as required by California Code of Regulations, Title 24, Part 1, section 10-106, on June 25, 2024; and

WHEREAS, The City of San Rafael adopted a determination at a public meeting on June 3, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 2036 are cost-effective; and

WHEREAS, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 2036 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards, and

determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b)(4) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq.; and

WHEREAS, The City of San Rafael, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

WHEREAS, the locally adopted energy efficiency and conservation standards application filed by the City of San Rafael satisfies the requirements of California Code of Regulations, Title 24, Part 1, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) The City of San Rafael has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2036 are cost-effective, and (2) Ordinance No. 2036 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards; and

THEREFORE BE IT FURTHER RESOLVED, that the CEC directs the Executive Director to take all actions necessary to implement this Resolution.

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 September 11, 2024.

AYE: Gunda, McAllister, Gallardo

NAY: NONE

ABSENT: Hochschild, Monahan

ABSTAIN: NONE

Dated: September 12, 2024

SIGNED BY:

Kristine Banaag
Secretariat