

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-BSTD-07
<b>Project Title:</b>	Local Ordinance Applications Exceeding the 2022 Energy Code
<b>TN #:</b>	259474
<b>Document Title:</b>	City of San Jose Resolution no 24-1003-03bi
<b>Description:</b>	Resolution finding building energy efficiency standards contained in the City of San Jose Ordinance No. 31081 satisfy statutory requirements under Public Resources Code Section 25402.1(h)(2)
<b>Filer:</b>	Anushka Raut
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	10/7/2024 9:21:57 AM
<b>Docketed Date:</b>	10/7/2024

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS  
CONTAINED IN THE CITY OF SAN JOSE ORDINANCE NO. 31081 SATISFY  
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION  
25402.1(h)(2)

**WHEREAS**, the City of San Jose adopted Ordinance No. 31081, 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 Jose 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. 31081 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 31081 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 July 03, 2024; and

**WHEREAS**, the City of San Jose adopted a determination at a public meeting on June 18, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 31081 are cost-effective; and

**WHEREAS**, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 31081 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 Jose, 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 Jose satisfies the requirements of Title 24, California Code of Regulations, 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 Jose has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 31081 are cost-effective, and (2) Ordinance No. 31081 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 October 3, 2024.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 4, 2024

**SIGNED BY:**

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Kristine Banaag  
Secretariat