

DOCKETED	
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Project Title:	Local Ordinance Applications Exceeding the 2022 Energy Code
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Filer:	Michael Shewmaker
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-057 (Revised 1/21)



Notice of Public Comment Period

Docket No. 22-BSTD-07

Application Concerning

Locally Adopted Building Energy Efficiency Standards in Accordance with Section 10-106 of the California Code of Regulations, Title 24, Part 1

Local Jurisdiction Name: City of Brisbane

Date of Local Adoption: July 18, 2024

Designation of Locally Adopted Standard: Ordinance no. 691

Purpose

California's local jurisdictions planning to enforce locally adopted energy efficiency standards (also called local ordinances or reach codes) that exceed California Building Energy Codes are required to submit an application to the California Energy Commission (CEC), in accordance with California Code of Regulations, Title 24, Part 1, Chapter 10, Article 1, sections 10-106 and 10-110, and; Public Resource Code section 25402.1(h)(2). Applications submitted by local jurisdictions must provide their findings that the local ordinance, (1) saves more energy than current statewide energy standards and (2) is cost effective. The CEC posts locally adopted energy efficiency or conservation standards for public review and comment pursuant to CEC regulation.

The City of Brisbane has filed an application to enforce its local ordinance. The CEC held an initial comment period for the application from September 24, 2024, to October 9, 2024. In Attachment 3, Ordinance 691, CEC staff identified an error in the Note specified in Chapter 15.83.070, which incorrectly referenced the 140.0 Sections of the 2022 Energy Code. Upon request for clarification, the City of Brisbane identified the mistake as an editorial error, updated their ordinance, and provided the CEC with the corrected Ordinance 691. CEC staff has reviewed the submission and determined that the application is complete, including all required supporting information in accordance with Section 10-106. The CEC seeks additional public comments, including whether the locally adopted energy efficiency or conservation standards will require buildings to be designed to consume less energy than the *2022 California Energy Code*, California Code of Regulations, Title 24, Parts 1 and 6 (2022 Energy Code).

The [full application](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07) is available for download on the CEC's website at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07>.

The following updated file is included in this application:

- 1) Att. 3 Ordinance 691

Background

Statutory provisions in Public Resources Code section 25402.1(h)(2) and regulatory provisions in sections 10-106 and 10-110 of Part 1 of the California Code of Regulations, Title 24 establish a process that allows local governmental agencies to adopt and enforce energy efficiency standards for newly constructed buildings, additions, alterations, and repairs to existing buildings. Such local standards may not be enforced, however, unless and until the CEC finds that the local standards will require buildings to be designed to consume less energy than permitted by the 2022 Energy Code, as demonstrated by the local jurisdiction in an application submitted to the CEC.

Per section 10-106, this application must include the following:

- 1) The proposed energy standards;
- 2) The local governmental agency's findings and supporting analyses on the energy-savings and cost-effectiveness of the local ordinance;
- 3) A statement or finding by the local governmental agency that the local energy standards will require buildings to be designed to consume less energy than permitted by the statewide 2022 Energy Code; and
- 4) Any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act (CEQA).

For the local jurisdiction to enforce the standard, the CEC must then find, based on the submitted application materials and consideration of public comment, that the local standards will result in a reduction in energy consumption compared to the statewide 2022 Energy Code and that the local jurisdiction has adopted its cost-effectiveness determination at a public meeting and subsequently filed it with the CEC.

Public Comments

The CEC encourages the use of its electronic commenting system. Visit the [e-commenting page](https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-07) for this docket [22-BSTD-07](https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-07) at <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-07>. Enter your contact information and a subject title that describes your comment. Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document in compliance with California Code of Regulations, Title 20, section 1208.1. The maximum file size allowed is 10 MB.

Written comments must be submitted by: **5:00 p.m. on December 5, 2024.**

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine. Written comments may also be submitted by email. Include docket number **22-BSTD-07** and the City of Brisbane, 2022, Ordinance no. 691 in the subject line and email to docket@energy.ca.gov.

A paper copy may be mailed to:

California Energy Commission
Docket Unit, MS-4
Docket No. **22-BSTD-07**
715 P Street
Sacramento, California 95814

Public Advisor and Other CEC Contacts

The CEC's Public Advisor assists the public with participation in CEC proceedings. To request assistance, interpreting services, or other reasonable modifications and accommodations, please reach out by phone at (916) 957-7910, or via email at publicadvisor@energy.ca.gov as soon as possible, but at least five days in advance.

The CEC will work diligently to meet all requests based on availability.

Direct media inquiries to mediaoffice@energy.ca.gov or (916) 654-4989.

Direct general and technical subject inquiries to Anushka Raut at anushka.raut@energy.ca.gov or (916) 909-2537.

Availability of Documents

The proposal and supporting materials can be downloaded at [California Energy Commission : Docket Log](#)

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07>