

**DOCKETED**

<b>Docket Number:</b>	22-BSTD-07
<b>Project Title:</b>	Local Ordinance Applications Exceeding the 2022 Energy Code
<b>TN #:</b>	261879
<b>Document Title:</b>	City of Cupertino Notice of Public Comment Period
<b>Description:</b>	Plain text of City of Cupertino notice of public comment period
<b>Filer:</b>	Anushka Raut
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/19/2025 4:34:35 PM
<b>Docketed Date:</b>	2/19/2025

**CALIFORNIA ENERGY COMMISSION**

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Sacramento, California 95814

[energy.ca.gov](https://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 Cupertino

**Date of Local Adoption:** September 17, 2024

**Designation of Locally Adopted Standard:** 24-2265

#### **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 reach code applications for public review and comment pursuant to CEC regulation.

The City of Cupertino has filed an application to enforce its local ordinance. CEC staff has determined this application to be complete including all the supporting information necessary to meet the requirements of section 10-106.

The CEC seeks 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 files are included in this application:

- 1) Att. 1 City of Cupertino Cover Letter - CEC – CAO
- 2) Att. 2 City of Cupertino Reach Code 2024 Staff Report
- 3) Att. 3 City of Cupertino Ord No. 24-2265 Local Requirements for Newly Constructed Buildings
- 4) Att. 4 City of Cupertino Cost Eff Study Reach Code Energy Perf Approach
- 5) Att. 5 City of Cupertino NOE filed with Santa Clara County
- 6) Att. 6 City of Cupertino Letter from Cupertino Chief Building Official

## **Background**

Statutory provisions in Public Resources Code section 25402.1(h)(2) and regulatory provisions in sections 10-106 and 10-110 of the California Code of Regulations, Title 24, Part 1 establish a process that allows local governmental agencies to adopt and enforce energy efficiency or energy conservation 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](#) for this docket [22-BSTD-07](#) at [California Energy Commission: Docket Log](#) <https://efiling.energy.ca.gov/Lists/DocketLog.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 March 6, 2025.**

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 Cupertino, 2022, Ordinance no. 24-2265 in the subject line and email to [docket@energy.ca.gov](mailto: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](mailto: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](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

**Direct general and technical subject inquiries** to Anushka Raut at [LocalOrdinances@energy.ca.gov](mailto:LocalOrdinances@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) (<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07>).