

DOCKETED	
Docket Number:	22-BSTD-07
Project Title:	Local Ordinance Applications Exceeding the 2022 Energy Code
TN #:	262292
Document Title:	Resolution finding building energy efficiency standards contained in City of Cupertino's Ordinance No 24-2265
Description:	Resolution No. 25-0317-03bii Resolution finding building energy efficiency standards contained in City of Cupertino's Ordinance No 24-2265 satisfy statutory requirements under Public Resources Code section 25402.1(h)(2)
Filer:	Anushka Raut
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/21/2025 3:49:53 PM
Docketed Date:	3/21/2025

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN THE CITY OF CUPERTINO ORDINANCE NO. 24-2265 SATISFY
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION
25402.1(h)(2)**

WHEREAS, The City of Cupertino adopted Ordinance No. 24-2265, 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 Cupertino 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. 24-2265 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards (Energy Code), as required by California Code of Regulations, Title 24, Part 1, section 10-106, on December 17, 2024; and

WHEREAS, The City of Cupertino adopted a determination at a public meeting on October 1, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 are cost effective; and

WHEREAS, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 will require the diminution of energy

consumption levels compared to the 2022 Energy Code, 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 Cupertino, 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 Cupertino 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 Cupertino has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 are cost-effective, and (2) Ordinance No. 24-2265 will require the diminution of energy consumption levels compared to the 2022 Energy Code; 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 March 17, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: March 18, 2025

SIGNED BY:

Kristine Banaag
Secretariat