

DOCKETED

Docket Number:	21-BSTD-02
Project Title:	2022 Energy Code Update CEQA Documentation
TN #:	239360
Document Title:	Resolution Certifying the Final Environmental Impact Report
Description:	Resolution No: 21-0811-4a
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/18/2021 2:19:56 PM
Docketed Date:	8/18/2021

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**2022 TITLE 24 BUILDING ENERGY
EFFICIENCY STANDARDS RULEMAKING
PROCEEDING CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 1,
CHAPTER 10, AND PART 6**

Docket No. 21-BSTD-02

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT

I. INTRODUCTION

The State Energy Resources Conservation and Development Commission (CEC) has, as directed by Section 25402 of the Public Resources Code, developed and undertaken a proceeding to adopt revisions to its Building Energy Efficiency Standards.

The Building Energy Efficiency Standards apply to residential, nonresidential, high-rise residential, and hotel and motel buildings. The standards are in Part 6 (also known as the California Energy Code) and associated administrative regulations in Part 1, Chapter 10, of Title 24 of the California Code of Regulations. The revised standards are called the 2022 California Energy Code (2022 Energy Code), and will go into effect on January 1, 2023, following approval by the California Building Standards Commission.

As adoption of the revised standards is a “discretionary project” under the California Environmental Quality Act (CEQA),¹ the CEC has determined that CEQA applies to the adoption of the 2022 Energy Code.

II. HISTORY OF THE PROCEEDING

On March 18, 2021, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the 2022 Energy Code was published and submitted to the State Clearinghouse, stating that a Draft EIR would be prepared. The NOP was circulated consistent with California Code of Regulations, Title 14, Section 15082.

A Scoping Meeting was held on April 9, 2021, pursuant to Public Resources Code Section 21083.9(a)(2), to obtain input on the appropriate scope and content of the Draft EIR because the 2022 Energy Code is a project of statewide importance.

¹ Cal. Pub. Resources Code, § 21000 et seq. and California Code of Regs., tit. 14, § 15000 et seq.

On May 19, 2021, the Draft EIR was submitted to the State Clearinghouse, to distribute to responsible and trustee agencies. The Notice of Availability of the Draft EIR (Notice of Availability) was provided to all persons and organizations subscribed to the Building Energy Efficiency Standards list server and posted on the CEC's website to inform the public of a 45-day public review and comment period, beginning on May 20, 2021 and ending on July 8, 2021. On May 20, 2021, the Notice of Availability and comment period information was also published in the Los Angeles Times pursuant to California Code of Regulations, Title 14, Section 15087(a)(1).

The public comment period on the Draft EIR ended on July 8, 2021. During the public review and comment period, the CEC received six comment letters. No public agency submitted comments on the Draft EIR.

On August 4, 2021, the CEC published the Final EIR for the 2022 Energy Code. The Final EIR consists of comments received during the 45-day public review and comment period, the CEC's responses to the significant environmental comments received during the 45-day public review and comment period, as well as a revised Draft EIR incorporating changes made to the text of the Draft EIR in response to the comments received on the Draft EIR.

On August 11, 2021, the CEC held a Public Hearing to receive comments on the Final EIR and the 2022 Energy Code and consider whether to certify the Final EIR and to adopt the 2022 Energy Code.

III. FINDINGS AND CONCLUSIONS

The CEC has considered the Final EIR and based on substantial evidence finds:

1. The Final EIR, including the Draft EIR, the revised Draft EIR, responses to comments, and appendices, have been completed in compliance with CEQA; and
2. The Final EIR was presented to the CEC, which reviewed and considered the information contained in the Final EIR prior to approving the 2022 Energy Code; and
3. None of the revisions or clarifications to the Draft EIR constitute new information that would require recirculation of the Draft EIR; and
4. Analysis of the project in the Final EIR indicates that the 2022 Energy Code will not result in significant environmental impacts and no mitigation is necessary; and
5. The Final EIR indicates that the 2022 Energy Code will result in many beneficial environmental impacts such as reduced energy use and associated greenhouse gas emissions; and

6. There is no clear environmentally superior alternative to the project among the alternatives identified in the Final EIR. The 2022 Energy Code is the best option due to the less than significant environmental impacts and ability to meet project objectives; and
7. The Final EIR reflects the CEC's independent judgment and analysis.

Therefore, the CEC hereby certifies the Final EIR as complying with CEQA and finds that there are no significant environmental impacts from the adoption of the 2022 Energy Code.

IV. DELEGATION TO EXECUTIVE DIRECTOR

The CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary for the filing of a Notice of Determination with the State Clearinghouse within five business days of the adoption of 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 August 11, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan, Gunda
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat