DOCKETED	
Docket Number:	22-BSTD-02
Project Title:	2022 Energy Code Compliance Software & Supporting Documents
TN #:	250936
Document Title:	Resolution Approving Updated 2022 Public Domain Compliance Software (CBECC and CBECC-Res) Version 2022_3_0
Description:	N/A
Filer:	RJ Wichert
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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RESOLUTION NO: 23-0616-03iii

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING UPDATED 2022 PUBLIC DOMAIN RESIDENTIAL (CBECC-RES 2022.3.0) AND NONRESIDENTIAL AND MULTIFAMILY (CBECC 2022.3.0) COMPLIANCE SOFTWARE

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023; and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021, and went into effect January 1, 2023; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(a), requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance residential software (CBECC-Res 2022.1.0), which is used to estimate energy consumed by single-family residential buildings and demonstrate compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 1 Chapter 10 and Part 6; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance nonresidential and multifamily software (CBECC 2022.1.0), which is used to estimate energy consumed by nonresidential and multifamily residential buildings and demonstrate compliance with the performance-based nonresidential and multifamily provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 1 Chapter 10 and Part 6; and

WHEREAS, CEC approved CBECC-Res 2022.1.0 and CBECC 2022.1.0 at the June 8, 2022, CEC business meeting; CBECC-Res 2022.2.0 and CBECC 2022.2.0 at the October 12, 2022, CEC business meeting; and the Executive Director approved minor updates to CBECC-Res 2022.2.0 and CBECC 2022.2.0, CBECC-Res 2022.2.1, and CBECC 2022.2.1, on January 23, 2023; and

WHEREAS, to respond to stakeholder comments, CEC developed the updated CBECC-Res 2022.3.0 and CBECC 2022.3.0; and

WHEREAS, as part of developing the updated public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.3.0 and CBECC 2022.3.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method (ACM) Approval Manuals; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.3.0 and the CBECC 2022.3.0 compliance software and finds that the compliance software does not meet the definition of a "project" under Public Resources Code section 21065, because the compliance software has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the compliance software were considered a project, then the project would fall under the "common sense exemption" in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the compliance software would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff's proposed updates to the CBECC-Res 2022.3.0 and the CBECC 2022.3.0 compliance software and finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff's finding that the CBECC-Res 2022.3.0 and the CBECC 2022.3.0 compliance software are not subject to CEQA because they do not meet the definition of a "project" as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC-Res 2022.3.0 used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC 2022.3.0 used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC-Res 2022.2.0, CBECC-Res 2022.2.1, and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after October 1, 2023; and

FURTHER BE IT RESOLVED, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC 2022.2.0, CBECC 2022.2.1, and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after October 1, 2023; and

FURTHER BE IT RESOLVED, that documents and other materials that related to the approval of CBECC-Res 2022.3.0 and CBECC 2022.3.0 can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 22-BSTD-02
https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02; and

FURTHER BE IT RESOLVED, that CBECC-Res 2022.3.0 and CBECC 2022.3.0 can be found online at the 2022 Energy Code Compliance Software website
https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced software available and maintain the software in good form, including but not limited to releasing bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

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 June 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan
NAY:
ABSENT:
ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

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Kristine Banaag
Secretariat