

DOCKETED

Docket Number:	22-BSTD-07
Project Title:	Local Ordinance Applications Exceeding the 2022 Energy Code
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Document Title:	San Jose Notice of Public Comment Period
Description:	Plain text of the Notice of Public comment Period for the San Jose application to the CEC
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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 San Jose

Date of Local Adoption: September 12, 2023

Designation of Locally Adopted Standard: Ordinance #30950

Purpose

California's local jurisdictions planning to enforce locally adopted energy efficiency standards that exceed the current 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, sections 10-106 and 10-110; Public Resource Code section 25402.1(h)(2). Applications submitted by local jurisdictions must provide their findings that the local ordinance, or reach code, saves more energy than current statewide energy standards and is cost effective. The CEC posts locally adopted energy efficiency or conservation standards for a mandatory public review period, per state law.

The City of San Jose filed an application to enforce its local ordinance that has been determined to be complete by CEC staff, including all the supporting information necessary to meet the requirements of section 10-106. The CEC seeks public comments on 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, Part 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) City of San Jose - 2022 Cover Letter for CEC 2023-FINAL
- 2) City of San Jose - 2022 Multifamily NewCon Cost-Eff Report-FINAL
- 3) City of San Jose - 2022 NonRes NewCon Cost-eff Study-FINAL020623

- 4) City of San Jose - 2022 Ordinance No. 30950
- 5) City of San Jose - 2022 Reach Code-NOE-2023
- 6) City of San Jose - 2022 Single Family NewCon Cost-eff Study-FINAL020623

Background

Statutory provisions in Public Resources Code section 25402.1(h)(2) and regulatory provisions in sections 10-106 and 10-110 of the 2022 Energy Code 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 Energy Code pursuant to an application submitted to the CEC by the local jurisdiction.

Local governmental agencies are required to submit these local standards to the CEC prior to enforcement. Per section 10-106, this application must include the following:

- 1) The proposed local energy standards;
- 2) The local governmental agency's energy-savings and cost-effectiveness findings, and supporting analyses, with respect to the local energy standards;
- 3) A statement or finding by the local governmental agency that the local energy standards will require buildings to be designed to consume no more energy than permitted by the statewide 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.

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 Energy Code and that the local jurisdiction has filed the basis of its cost-effectiveness determination 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 <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 Friday, December 29, 2023.**

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 **City of San Jose - 2022 Ordinance # 30950** 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 provides the public with assistance in participating in CEC proceedings. For information about how to participate or to request interpreting services or other reasonable modification and accommodations, reach out by phone at (916) 957-7910 or via email at publicadvisor@energy.ca.gov. 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 Danuta Drozdowicz at danuta.drozdowicz@energy.ca.gov or (916) 805-7436.

Availability of Documents

The proposal and supporting materials can be downloaded at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07>