

*Comment Received From: Gina Griffiths Rodda  
Submitted On: 4/16/2024  
Docket Number: 24-BSTD-01*

## **2025 Energy Code Update Rulemaking**

*Additional submitted attachment is included below.*



April 16, 2024

Re: 2025 45 Day Title 24 Part 6 Energy Standards (CEC Docket: 24-BSTD-01)

Whereas there are many simplification measures and clean up we applaud, Gabel Energy would like to submit the following concerns and suggestions to be considered for final 2025 language.

### **Definitions, Subchapter 1:**

1. **Recoat:** There is a need for a definition to support the intent for roofing “recoat” and the exceptions associated with a recoat roofing project. Many are confusing a recover with a recoat, hence not supporting the roof insulation requirements required for low-sloped roofing projects. We suggest something along the lines of: *“When a new layer is applied to the outer surface of the existing roofing material for renewal or maintenance, and the existing roofing material is not being replaced and recovered (see Roof Recover and Roof Replacement).”*
2. **Nonresidential Building Occupancy Types:**
  - a. Using the word “occupancy” is misleading since these building types are not supported with the Building Code Occupancy categories and can be confusing to the industry. We suggest “occupancy” be removed.
  - b. When determining if a building is subject to the PV and Battery Storage requirements of the Energy Code, we rely on these definitions to support how the requirements apply. Within this definition it supports that any building that has a “Nonresidential Function Area” (which is a separate definition) more than 10% of the floor area, then the building is no longer considered a Nonresidential Building Type, which in essence means they are not subject to the PV and Battery Storage requirements of the Energy Code. We do not feel this is the intent of this definition. We suggest this be revised to say:  
“NONRESIDENTIAL BUILDING OCCUPANCY TYPES are building types in which a minimum of 90 percent of the building floor area functions as one of the following, which do not qualify as any other Building Occupancy Types more specifically defined in Section 100.1, and which do not have a combined total of more than 10 percent of the area functioning of any Nonresidential Function Areas Building Type listed below specifically defined in Section 100.1:
  - c. Furthermore, the addition of “80% of the building floor area” is complicating how we determine the “Building Type” when in the stem of the definition “90%” is used. We suggest the introduction of the “80%” be removed.
  - d. There seems to be a redundant building type, of which we suggest only one be used to support clear understanding of when a building is “Sports and Recreation” that will then require PV and Battery Storage. We suggest “Gymnasium Building” be removed, since it is already supported in the new “Sports and Recreation Building” definition.
  - e. We applaud the new Building Types added to this definition supporting the new building types added in §140.10, and request “Warehouse” also be included to support when PV and Battery Storage would apply to that building type.
3. **Executive Director:** We have been asked by many people who IS the Executive Director, and many believe this is the Authority having Jurisdiction, which we know is not the intent.

We suggest the definition in Title Part 12 be introduced to the definitions of Title 24 Part 6.

### **Nonresidential Subchapters**

1. **§120.7(d) Fenestration:** Please consider adding a “fire-rated” and “skylight” fenestration exception to this very aggressive U-factor. **New Mandatory Nonresidential U-factor of 0.47:** This will cause issues when trying to build nonresidential buildings that have fire-rated window requirements because it will limit the ability to consider alternate window products in fire areas. In our experience, it is just not possible to meet these new mandatory U-factors with fire-rated windows nor for skylights.
2. **§120.7(e): Nonresidential Vestibules:** We are going to state the same thing we did in our last two docketed letters. PLEASE reconsider this mandatory requirement!

Planning typically dictates the look of a project and is approved many months or even years before a project goes in for a building permit. This means projects that will be subject to this mandatory requirement might already be going through planning approval now, before the code is enforced or even adopted. Redesigning to include a vestibule may add many months and substantial cost to a project that has already been approved by planning. What happens if planning does not agree with the look associated with a vestibule? How can that be mitigated?

***Additionally, there is also no code language guidance on how this is to be considered for additions and alterations to existing buildings, or even first-time buildouts of tenant improvement buildings. What is the trigger for this requirement? Replacing storefront? Changing lighting at the entry?***

Having this as a mandatory requirement, with no ability to use the performance approach for flexibility, seems short sighted because not all project scopes can be considered when adopting these requirements.

3. **ASHRAE Guidelines 36 – Comment applies to all ASHRAE Guideline 36 references in 2025 Energy Code:** By not including the requirements within the Energy Code, you are forcing people to buy this guideline which will reduce the enforceability of these new requirements. Please consider including guidance on how these requirements are to be enforced if the requirements are not included within the Energy Code.
4. **§140.4(s)2:** Suggest the bullets be reconsidered, this could be interpreted as 0.30% and nor 30%
  - 30% of the peak heat rejection of the cooling system
  - 30% of SWHCAP
5. **§140.10 PV and Battery Storage:**
  - a. SARA §140.10(a)2C: We suggest this sentence structure be reconsidered, since it

can be confusing to understand the intent with the current structure. We suggest the following:

*Roof area that is otherwise not available due to compliance:*

- *With other state building code requirements or*
- *Is a local building code requirements if local building code requirements are confirmed by the Executive Director.*

**b. Exception 5 to §140.10(a):** There is no definition for “individual HVAC system” in the Energy Code and suggest this be revised to “~~individual~~ HVAC system”.

### Single-family Subchapters

1. **150.0(q) Fenestration 0.40 U-factor:** Please consider adding a “fire-rated” and “skylight” fenestration exception to this very aggressive U-factor. We have expressed our concern regarding this mandatory U-factor in all previous docketed letters.


### Multifamily Subchapters

1. **§160.3(b)7 and 8:** Replace “CF2R” with either NRCI/LMCI or Certificate of Installation.
2. **§160.4(e)4 Insulation Quality Verification:** We don’t see how it is viable to require a ECC Rater to verify pipe insulation, due to how many visits would be require throughout the construction of a multifamily and achieve compliance. How will we mitigate when the ECC rater is not brought out on site until the end of the project, and they were not able to inspect the entire length of the hot water piping? Does this apply to low-rise and high-rise multifamily buildings?

Sincerely,



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