

November 24, 2014

California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

RE: 2016 Building Standards Update, Docket No. 14-BSTD-01

California Energy Commission

DOCKETED

14-BSTD-01

TN 74050

J NOV 212014

Dear Energy Commission:

Enclosed are comments concerning the 2016 Building Standards update as follows:

1. Administrative Regulations, California Code of Regulations, Title 24, Part 1, Part Section 10-103(a) 1. Certificate of Compliance states:

For all Nonresidential buildings, the Design Review Kickoff Certificate(s) of Compliance, and Construction Document Design Review Checklist Certificate(s) of Compliance shall be completed and signed by a licensed professional engineer. For buildings less than 10,000 square feet, the licensed professional engineer may be the engineer of record. For buildings greater than 10,000 square feet but less than 50,000 square feet, the licensed professional engineer shall be a qualified in-house engineer with no other project involvement or a third party engineer. Contractors accepting the responsibilities of the engineer under the provision of the Business and Professions Code may also complete and sign these certificates. For buildings greater than 50,000 square feet and all buildings with complex mechanical systems serving more than 10,000 square feet, the licensed professional engineer shall be a third party.

Proposed Revision:

Recommend replacing "licensed professional engineer" with "person who is eligible under Division 3 of the Business and Professions Code".

Rationale:

This would provide consistency within the code to allow all applicable licensed professionals under the code to be qualified to perform these services. As currently stated, the licensed professional engineer or contractor may perform these services, but licensed architects have been excluded. A licensed architect under Division 3 of the Business and Professions Code should be allowed to complete and sign these documents.

Division 3, Chapter 3, Article 1 of the Business and Professions Code states the following: 5500.1. (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

2. Efficiency Standards, California Code of Regulations, Title 24, Part 6, Section 120.8 (d) 1 States:

(d) Design Phase Review

1. **Design Reviewer Requirements.** For buildings less than 10,000 square feet, design phase design review may be completed by the design engineer. Buildings between 10,000 and 50,000 square feet require completion of the Design Review Checklist by either an engineer in-house to the design firm but not associated with the building project, or a third party design engineer. For buildings larger than 50,000 square feet or for buildings with complex mechanical systems, an independent, review of these documents by a third party design engineer is required.
2. **Design Review.** During the schematic design phase of the building project, the owner or owner's representative, design team and design reviewer must meet to discuss the project scope, schedule and how the design reviewer will coordinate with the project team. The building owner or owner's representative shall include the Design Review Checklist compliance form in the Certificate of Compliance documentation (see Section 10-103).
3. **Construction Documents Design Review.** The Construction Documents Design Review compliance form lists the items that shall be checked by the design reviewer during the construction document review. The completed form shall be returned to the owner and design team for review and sign-off. The building owner or owner's representative shall include this Construction Documents Design Review compliance form in the Certificate of Compliance documentation (see Section 10-103).

Proposed Revision:

Recommend replacing "design engineer, engineer in-house, third party design engineer and design reviewer" with "person who is eligible under Division 3 of the Business and Professions Code"

Rationale:

The terms "design engineer, engineer in-house, third party design reviewer and design reviewer" do not appear in the definitions or Division 3 of the Business and Professions Code.

Changing the terminology would provide consistency within the code and allow all applicable licensed professionals under Division 3 of the Business and Professions Code to complete and sign these documents. A licensed architect under Division 3 of the Business and Professions Code should be allowed to complete and sign these documents.

In addition, the Certificate of Compliance form NRCC-CXR-02-E requires a review of the Envelope, Joints and Openings (Sections 110.7 & 120.7) and Insulation and Roofing Products (Sections 140.3(a).A-B) that would require an individual with knowledge of architecture.

Sincerely,



Diane Elliott
Capital Outlay Program Manager