BUILDING STANDARDS COMMISSION
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California Energy Commission
DOCKETED
15-BSTD-01
TN # 75532
MAR 27 2015

California Building Standards Commission comments on the California Energy Commission's proposed regulations to Title 24, PART 1, CHAPTER 10, and PART 6 (CALIFORNIA ENERGY CODE) 2016 BUILDING ENERGY EFFICIENCY STANDARDS DOCKET NO. 15-BSTD-01 - FEBRUARY 13, 2015

45-day public comment period beginning February 13, 2015, and end at 5:00 p.m. on March 30, 2015

The California Building Standards Commission (CBSC) is recommending minor edits to the California Energy Commission's (CEC) proposed modifications to The California Administrative Code, Part 1, Title 24, California Code of Regulations. These comments are intended to coordinate the CEC's proposed modifications to the administrative procedures for local ordinance submission with the modifications being proposed by the CBSC in the 2015 Triennial Code Adoption Cycle.

Comment #1 Section 10-106
Part 1, California Administrative Code, Chapter 10

Rationale:
CBSC supports the Energy Commission's proposed edits to Section 10-106 – LOCALLY ADOPTED ENERGY STANDARDS (a) Requirements. Part 1, Title 24.

As part of the 2015 Triennial Code Adoption Cycle CBSC is proposing to amend the scoping and application provisions pertaining to local filing in Chapter 1 of Parts 2, 2.5, 3, 4, 5, 9, 10 and 11, Title 24. Currently the finding and filings sections are silent on the requirements for enhanced locally adopted energy provisions.
For reference, included is CBSC's proposed language to Part 2, Chapter 1, Section 1.1.8 City, county, or city and county amendments, additions or deletions which include the findings and filing regulations.

For constancy and clarity for the code user, CBSC requests the California Energy Commission consider further amending Part 1, Section 10-106 to include language that the locally amended energy provision be filed with CBSC. See suggested language below.

CBSC recognizes that CEC is amending Part 11 (Docket # 15-CALG-01) Sections A4.201.1 and A5.201.1 to include a pointer directing the local jurisdictions adopting voluntary energy efficient standards as mandatory, to follow the approval processes in CEC, Part 1 of title 24.

CBSC will provide comment on this proposed language to Docket # 15-CALG-01
For consistency and clarity CBSC requests the pointer be coordinated with CBSC and the Department of Housing and Community Development (HCD).

[CBSC's proposed changes to the Energy Commission's Express Terms]
Recommended edits are shown in single ~~strikeout~~ , single underline and highlighted in yellow.

10-106 – LOCALLY ADOPTED ENERGY STANDARDS

(a) Requirements. Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings provided the Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by Title 24, Part 6.
(b) Documentation Application. Local governmental agencies wishing to enforce locally adopted energy standards shall submit an application with the following materials to the Executive Director:

1. The proposed energy standards;.
2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed 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 Part 6. ~~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 Part 6~~; and. *[This sentence is printed twice in the current code.]*
4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Pub. Resources Code Section 21000 et seq.
5. Local governmental agencies shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings in accordance with the California Building Code, Part 2, Chapter 1, Division I, Section 1.1.8.

NOTE: Authority: Section 25402.1, Public Resources Code. Reference: Sections 25402.1, 21080.4, 21153, Public Resources Code.

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For reference: CBSC's proposed amendments to the Californa Building Code, Part 2, Chapter 1, Division I, Scope and Administration, specifically Section 1.1.8 City, county, or city and county amendments, additions or deletions.

1.1.8 City, county, or city and county amendments, additions or deletions. *The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. The effective date of amendments, additions or deletions to this code by a city, county, or city and county filed pursuant to Section 1.1.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code. Local modifications shall comply with Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts.*

1.1.8.1 Findings and filings.

1. The city, county, or city and county shall make express findings for each amendment, addition or deletion based upon climatic, topographical or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county, or city and county shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

3. Findings prepared by fire protection districts shall be ratified by the local city, county or city and county and filed with the California Department of Housing and Community Development, Division of Codes and Standards, P. 0. Box 1407, Sacramento, CA 95812-1407 or ~~1800 3rd Street, Room 260, Sacramento, CA 95811~~ 2020 West El Camino Avenue, Suite 250, Sacramento, CA 95833-1829.

1.1.8.2 Locally adopted energy standards – California Energy Code, Part 6

In addition to the provisions of Section 1.1.8.1 of this Part, the provisions of this section apply to cities, counties, and city and county amending adopted energy standards affecting buildings and structures subject to the California Energy Code, Part 6.

Applicable provisions of Public Resources Code Section 25402.1 and applicable provisions of Chapter 10 of the California Administrative Code, Part 1 apply to local amendment of energy standards adopted by the California Energy Commission. [CBSC will coordinate with CEC and possibly add in the Energy Commission contact/mailing information]

California Building Standards Commission comments on the California Energy Commission's proposed regulations to Title 24, PART 11, CHAPTERS A4 & A5 (CALGreen Code)
2016 BUILDING ENERGY EFFICIENCY STANDARDS
DOCKET NO. 15-CALG-01 - FEBRUARY 13, 2015

45-day public comment period beginning February 13, 2015,
and end at 5:00 p.m. on March 30, 2015

The California Building Standards Commission (CBSC) is recommending minor edits to the California Energy Commission's (CEC) proposed modifications to the CALGreen Code, Part 11, Title 24, California Code of Regulations. These comments are intended to coordinate the CEC's proposed modifications to the administrative procedures for local ordinance submission for energy related amendment within the CALGreen Code and the California Building Standards Commission (CBSC) process for local ordinance filings.

Comment #1 Section A4.201 Scope

Part 11, CALGreen Code, Chapter A4
Rationale:

CBSC supports the Energy Commission's proposed edits to Section A4.201.1 with some minor edits. CBSC is proposing a friendly amendment to CEC's proposed code change. Per H&SC 17958.7, a city or county, before making any modifications to the California Building Standards Code shall file a copy of the proposed amendments along with findings and expressly marked changes to the California Building Standards Commission. These proposed friendly edits will align with our CBSC ordinance filing process found in H&SC 17958.7.

[CEC's proposed changes to Section A4.201.1]

A4.201.1 Scope. For the purposes of mandatory energy efficiency standards in this code, the California Energy Commission will continue to adopt mandatory standards. It is the intent of these voluntary ~~standards~~ provisions to encourage ~~buildings~~ local jurisdictions through codification to achieve exemplary performance in the area of building energy efficiency. Local jurisdictions adopting these voluntary provisions as mandatory local energy efficiency standards shall submit the required application and receive the required approval of the California Energy Commission in compliance with Title 24, Part 1, Section 10-106 prior to enforcement. Once approval is granted by the Energy Commission, local jurisdictions shall submit their application and receive the required approval from the California Building Standards Commissions in compliance with Title 24, Part 11, Section 101.7 prior to enforcement.

[CBSC's proposed changes to the Energy Commission's Express Terms]
Recommended edits are shown in double ~~strickeout~~, double underline and highlighted in yellow.

... Once approval is granted by the Energy Commission, local jurisdictions shall file an ordinance expressly marking the local modifications along with findings ~~submit their application~~ and receive the required ~~approval~~ acceptance from the California Building Standards Commissions in compliance with Title 24, Part 11, Section 101.7 prior to enforcement.

NOTE: Authority: Section 25402.1, Public Resources Code. Reference: Sections 25402.1, 21080.4, 21153, Public Resources Code.

Comment #2 Section A5.201 Scope

Part 11, CALGreen Code, Chapter A5
Rationale:

CBSC supports the Energy Commission's proposed edits to Section A5.201.1 with some minor edits. CBSC is proposing a friendly amendment to CEC's proposed code change. Per H&SC 17958.7, a city or county, before making any modifications to the California Building Standards Code shall file a copy of the proposed amendments along with findings and expressly marked changes to the California Building Standards Commission. These proposed friendly edits will align with our CBSC ordinance filing process found in H&SC 17958.7.

[CEC's proposed changes to Section A5.201.1]

A5.201.1 Scope. For the purposes of mandatory energy efficiency standards in this code, the California Energy Commission will continue to adopt mandatory standards. It is the intent of these voluntary ~~standards~~ provisions to encourage ~~buildings~~ local jurisdictions through codification to achieve exemplary performance in the area of building energy efficiency. Local jurisdictions adopting these voluntary provisions as mandatory local energy efficiency standards shall submit the required application and receive the required approval of the California Energy Commission in compliance with Title 24, Part 1, Section 10-106 prior to enforcement. Once approval is granted by the Energy Commission, local jurisdictions shall submit their application and receive the required approval from the California Building Standards Commissions in compliance with Title 24, Part 11, Section 101.7 prior to enforcement.

[CBSC's proposed changes to the Energy Commission's Express Terms]
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… Once approval is granted by the Energy Commission, local jurisdictions shall file an ordinance expressly marking the local modifications along with findings ~~submit their application~~ and receive the required ~~approval~~ acceptance from the California Building Standards Commissions in compliance with Title 24, Part 11, Section 101.7 prior to enforcement.

NOTE: Authority: Section 25402.1, Public Resources Code. Reference: Sections 25402.1, 21080.4, 21153, Public Resources Code.