

## City of Glendale Locally Adopted Energy Standards Approval

**Contact:** Joseph M. Loyer, 654-4811

**Action Requested of Efficiency Lead Commissioner:** Lead Commissioner approval to bring this item before the full California Energy Commission for consideration and approval.

**Business Meeting Date:** July 22, 2014

**Background:** The California Public Resources Code establishes a process that allows cities or counties to adopt and enforce locally adopted energy standards that are more stringent than the statewide standards. This process, described in Section 25402.1(h)(2) and the *2013 Building Energy Efficiency Standards*, Title 24, Part 1, Section 10-106 (Standards), allow cities or counties to adopt new versions of the Standards before their statewide effective date (early adoption), require additional energy efficiency measures, or set more stringent energy budgets. The governing body of the city or county is required to make a determination that the standards are cost effective and adopt the findings at a public meeting. The city or county is required to file this determination of cost effectiveness with the Energy Commission. The Energy Commission must find that the standards will require the diminution of energy consumption levels permitted by the current Standards. The proposed local ordinance cannot be enforced until it is approved by the Energy Commission.

On November 26, 2013, the Council of the City of Glendale submitted an application for approval for their local energy standards (Ordinance No. 5813) which will meet or exceed the 2013 Building Energy Efficiency Standards (Cal. Code Regs., Title 24, Part 6.).

This ordinance requires that all newly constructed residential buildings to include a radiant roof barrier.

**California Environmental Quality Act Assessment:** The California Environmental Quality Act (CEQA) regulatory process, which local cities or counties must comply with to adopt and implement local building energy standards, includes procedures to protect the environment (see Pub. Resources Code, §§ 21080, subd. (b)(9), 21084; 14 Cal. Code Regs. §§ 15307, 15308). The Energy Commission has the authority to approve local building energy standards under Section 25402.1(h)(2) of Title 24, Part 6 and, as a Responsible Agency under CEQA relative to the adoption of local building energy standards, the Energy Commission has the obligation to confirm that the local cities or counties have performed an appropriate CEQA analysis with a supportable finding.

The Council found that the ordinance is a project under CEQA definitions. The Council determined that the ordinance would require greater energy efficiency of buildings that will reduce overall energy use, curb the use of energy during peak periods, and improve the environment by lowering greenhouse gas emissions, water use and improve other

environmental impacts. The Council found with certainty that there is no possibility that the ordinance will have a significant negative effect on the environment. Therefore, the Council found on November 19, 2013 that the project is exempt under the "Common Sense" provisions of CEQA (14 Cal. Code Regs. § 15061(b)(3)).

The Energy Commission found, in December of 2011, that the 2013 revision of the Building Energy Efficiency Standards of the California Building Code would have no net adverse impact on the environment and adopted the Negative Declaration for the 2008 Building Energy Efficiency Standards.

Since all local codes must be at least as stringent as Title 24, Part 6, staff can conclude that any ordinance that proposes to exceed Title 24, Part 6 is expected to have no net adverse impact on the environment. Energy Commission Staff has confirmed that a valid CEQA assessment was performed and that a supportable finding was reached. Therefore the approval of the local building energy standard by the Energy Commission is authorized by State law (see Pub. Resources Code, §§ 21080, subd. (b)(9), 21084; 14 Cal. Code Regs., §§ 15307, 15308).

The complete application including the full proposed ordinance and cost effectiveness analysis will be made available on the Energy Commission web site upon Energy Commission approval of the proposed ordinance.

**Justification for Action Requested:** Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1. Energy Commission staff believes that the City of Glendale is to be commended for seeking to achieve the energy savings that result from their local energy ordinance.

**Pros:** If complied with as anticipated, the local ordinance will achieve additional energy savings beyond Title 24, Part 6. The City of Glendale is endeavoring to be a national leader by adopting this ordinance and keeping ahead of the requirements of the statewide standards. Its approval indicates the Energy Commission's support for this goal and for active enforcement of both the local ordinance and the statewide standards.

**Cons:** A possible con is that builders will react negatively to the local variation of requirements or additional costs that may result from complying with the local ordinance.

**What Happens Next:** Staff will bring the ordinance to the July 22, 2014 Business Meeting for approval.