



**California Energy Commission
January 21, 2025 Business Meeting
Backup Materials for Certification of Updated 2022 Energy Code Alternative
Calculation Method (ACM) Reference Manuals**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.
2. CEQA Memo, attached below
3. 2022 Nonresidential and Multifamily ACM Reference Manual:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=260955&DocumentContentId=97385>
4. 2022 Residential ACM Reference Manual:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=260954&DocumentContentId=97386>

For the complete record, please visit:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding Topic, which can be accessed here:

<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION CERTIFYING THE SINGLE-FAMILY RESIDENTIAL ALTERNATIVE
CALCULATION METHOD REFERENCE MANUAL AND NONRESIDENTIAL AND
MULTIFAMILY ALTERNATIVE CALCULATION METHOD REFERENCE MANUAL
FOR THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Part 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023; and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021, and went into effect January 1, 2023; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify “an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings” no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

WHEREAS, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards, including forms, charts, and other data; and

WHEREAS, the CEC certified the energy conservation manual at its May 11, 2022, and June 8, 2022, business meetings; and

WHEREAS, to respond to necessary changes to California’s Building Energy Code Compliance Software (2022 compliance software), CEC staff developed updated content for the Single-Family Alternative Calculation Method Reference Manual, Publication Number CEC-400-2022-008-CMF-REV3 and the Nonresidential and Multifamily Alternative Calculation Method Reference Manual, Publication Number CEC-400-2022-009-CMF-REV3 (collectively the “ACM Reference Manuals”), which document the modeling methods used in the 2022 compliance software to demonstrate performance compliance with the 2022 Building Energy Efficiency Standards; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the updated ACM Reference Manuals and finds that the updated ACM Reference Manuals do not meet the definition of a “project” under California Code of Regulations, tit. 14, section 15060(c), because the updated ACM Reference Manuals have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the updated ACM Reference Manuals were considered a project, the project would fall under the “common sense exemption” in California Code of Regulations, tit. 14, section 15061(b)(3) because it can be seen with certainty that there is no possibility that the update to the ACM Reference Manuals may have a significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the ACM Reference Manuals and staff’s finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the updated ACM Reference Manuals are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (Cal. Code Regs., tit 14, section 15061(b)(3)) because it can be seen with certainty that there is no possibility that the update to the ACM Reference Manuals may have a significant effect on the environment, including unusual circumstances; and

THEREFORE, BE IT RESOLVED, that the CEC hereby certifies the updated Single-Family Alternative Calculation Method Reference Manual, Publication Number CEC-400-2022-008-CMF-REV3, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the updated Nonresidential and Multifamily Alternative Calculation Method Reference Manual, Publication Number CEC-400-2022-009-CMF-REV3, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the updated ACM Reference Manuals and other related documents and materials can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 22-BSTD-02 [<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>]; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on January 21, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: Docket 22-BTSD-02

Date: January 21, 2025

From: **Michael Sokol, Deputy Director**
Efficiency Division
California Energy Commission

Subject: Basis for Finding that the revised 2022 Single-Family Residential Alternative Calculation Reference Manual and revised 2022 Nonresidential and Multifamily Alternative Calculation Reference Manual (collectively the “ACM Reference Manuals”) are not a project or are exempt from the California Environmental Quality Act under the Common-Sense Exemption

I. CEQA

The California Environmental Quality Act (CEQA) (Pub. Resources Code, sections 21000 *et seq.*; see also CEQA Guidelines, Cal. Code Regs., tit. 14, sections 15000 *et seq.*) requires that state agencies consider the environmental impact of their discretionary decisions. CEQA allows for certain projects to be exempted from its requirements. Of relevance here, and discussed further below, is the common-sense exemption (Cal. Code Regs., tit. 14, section 15061(b)(3)).

II. Pub. Resources Code, section 25402.1(e) ACM Reference Manuals

Public Resources Code Section 25402 requires the CEC to adopt building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings, and energy and water conservation design standards. The standards are contained in Part 6 and associated administrative regulations in Part 1 of Title 24 of the California Code of Regulations (Energy Code). Further, Section 25402 requires the Energy Code to be cost-effective when taken in its entirety and when amortized over the economic life of the structure when compared with historic practice.

No later than 180 days after approval of the Energy Code by the California State Building Standards Commission, the CEC must certify an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings. (Pub. Resources Code, section 25402.1(e).) The manual shall contain, but not be limited to, the following: (1) The standards for energy conservation established by the commission, (2) forms, charts, tables, and other data to assist designers and builders in meeting the standards, (3) design suggestions for meeting or exceeding the standards, (4) any other information which the commission finds will assist persons in conforming to the standards, (5) instructions for use of the computer program for calculating energy consumption in residential and nonresidential buildings, (6) the prescriptive method for use as an alternative to the computer program.

III. The Proposed Action

On August 11, 2021, the CEC adopted amendments to its Building Energy Efficiency Standards, located in Part 1, Chapter 10, and Part 6 of Title 24 of the California Code of Regulations (2022 Energy Code), as authorized and directed by Public Resources Code 25402. On December 14, 2021, the California Building Standards Commission approved the 2022 Energy Code. The 2022 Energy Code went into effect on January 1, 2023.

On August 11, 2021, the CEC also adopted the Final EIR for the 2022 Energy Code.¹ Considering all comments received on the Draft EIR and based on the entire record of the proceeding, the CEC certified the Final EIR as complying with CEQA and found that there are no significant environmental impacts from the adoption of the 2022 Energy Code.

To implement the requirement of section 25402.1(e), CEC staff developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the 2022 Energy Code, including forms, charts, and other data. As part of developing the energy conservation manual, the CEC developed new content for the Single-Family Residential Alternative Calculation Method Reference Manual and the Nonresidential and Multifamily Alternative Calculation Method Reference Manual (ACM Reference Manuals), which document the modeling methods used in the 2022 compliance software. The CEC certified the ACM Reference Manuals at the June 8, 2022, CEC Business Meeting.

To maintain the 2022 ACM Reference Manuals as required by section 25402.1(e), CEC staff develop updates to the manuals. Updates include language to cover new compliance software modeling features, corrections and clarifications to previous language to better match intended compliance software behavior, and revisions to account for compliance software bug fixes. The CEC is considering certification of the revised manuals at the January 21, 2025 Business Meeting.

IV. The ACM Reference Manuals are not a project.

CEQA does not apply to an action where the “activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” (Cal. Code Regs., tit. 14, section 15060(c)(2).)

As discussed above, the CEC certifies an energy conservation manual to assist interested persons with complying with the Energy Code, pursuant to Public Resources Code, section 25402.1(e). The energy conservation manual provides information regarding the 2022 Building Energy Efficiency Standards, which were previously adopted on August 11, 2021 and approved by the California Building Standards Commission on December 14, 2021. The energy conservation manual does not impose any new requirements and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Accordingly, the energy conservation manual, including the ACM Reference Manuals do not meet the definition of a project under CEQA.

¹ The Final EIR consists of the Draft EIR, comments received during the 45-day public review and comment period, and the CEC’s responses to the significant environmental comments received during the 45-day public review and comment period, as well as a revised Draft EIR incorporating changes made to the text of the Draft EIR in response to the comments received on the Draft EIR.

V. If the ACM Reference Manuals were considered a project, they are exempt from CEQA under the Common-Sense Exemption.

The ACM Reference Manuals are exempt from CEQA under the Common-Sense Exemption. “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (Cal. Code Regs., tit. 14, section 15061(b)(3).) A “significant effect on the environment” is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself. (Pub. Resources Code, section 21068; Cal. Code Regs., tit. 14, section 15382.)

The ACM Reference Manuals are designed to help building owners, architects, engineers, designers, energy consultants, builders, enforcement agencies, contractors and installers, and manufacturers comply with and enforce the 2022 Energy Code. The ACM Reference Manuals are purely reference and instructional guides that reiterate the language or requirements already contained in the 2022 Energy Code. The ACM Reference Manuals contain no new requirements to comply with the 2022 Energy Code. As such, it can be seen with certainty that there is no possibility that the ACM Reference Manuals may have a significant effect on the environment.

VI. Conclusion

As shown above, the proposed update to the 2022 ACM Reference Manuals is not a project because they do not impose any new requirements and therefore have no potential for resulting in either a direct physical change in the environment. If the ACM Reference Manuals were to be a project, it can be seen with certainty that the ACM Reference Manuals would not have a significant effect on the environment and, therefore, they are exempt pursuant to the Common-Sense Exemption under California Code of Regulations, title 14, section 15061(b)(3).