

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1627

Introduced by Assembly Member Dickinson

February 9, 2012

An act to ~~amend Sections 25402 and 25402.1 of~~ *add Section 21099* to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1627, as amended, Dickinson. ~~Environmental quality: building standards: Energy:~~ vehicle miles traveled.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires the Office of Planning and Research to prepare guidelines to assist state and local agencies in implementing the requirements of CEQA.

This bill would require the office, not later than January 1, 2014, to prepare and make available a manual containing specified information designed to be used by local governments, local agencies, and project developers to evaluate and incorporate measures and strategies to

reduce vehicle miles traveled (VMT) in new residential and commercial building projects. The bill would require the office, not later than January 1, 2014, to make recommendations to the Legislature and local policymakers of measures to improve the reduction of VMT related to residential and commercial building projects.

~~(1) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings. Existing law requires the Energy Commission to certify, within 180 days of the approval of the standards by the State Building Standards Commission, an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings.~~

~~The bill would prohibit a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with those standards.~~

~~The bill would enact the Healthy Neighborhoods Act of 2012 and would require the Energy Commission to prescribe, by regulation, standards for reducing vehicle miles traveled by occupants of a building that would be applicable to new residential and nonresidential buildings and modification of existing residential and nonresidential buildings. The bill would require the commission to publish the standards, upon adoption, in the energy conservation manual. The bill would prohibit a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with the standards. Because a local building department would be required to confirm that a building plan complies with the vehicle miles traveled standards, this bill would impose a state-mandated local program. The bill would authorize a city, county, or city and county to prescribe, by ordinance or resolution, a schedule of fees sufficient to cover the costs incurred in the enforcement of these standards.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *The State Air Resources Board has determined, in its scoping*
4 *plan adopted pursuant to the California Global Warming Solutions*
5 *Act of 2006 (Division 25.5 (commencing with Section 38500) of*
6 *the Health and Safety Code), that reduction of vehicle miles*
7 *traveled (VMT) is an essential compliance strategy by which the*
8 *state will meet the act's greenhouse gas emission requirements by*
9 *2020.*

10 (b) *Transportation is the single largest contributor to the state's*
11 *greenhouse gas emissions, accounting for 37 percent of all*
12 *emissions. Three-fourths of all transportation emissions come from*
13 *single passenger vehicle use. Statewide greenhouse gas emissions*
14 *increased 10 percent from 1990 to 2008, but emissions from the*
15 *transportation sector grew even faster, at 16 percent.*

16 (c) *In 2008, the Legislature enacted Chapter 728 of the Statutes*
17 *of 2008, which requires metropolitan planning organizations to*
18 *adopt regional transportation and development plans to reduce*
19 *VMT. It is in the interest of the state to augment these efforts and*
20 *achieve further VMT reductions by the adoption of measures that*
21 *are applied to individual residential and commercial buildings*
22 *and projects.*

23 SEC. 2. *Section 21099 is added to the Public Resources Code,*
24 *to read:*

25 21099. (a) *Not later than January 1, 2014, the Office of*
26 *Planning and Research shall prepare and make available a manual*
27 *designed to be used by local governments, local agencies, and*
28 *project developers to evaluate and incorporate measures and*
29 *strategies to reduce vehicle miles traveled in new residential and*
30 *commercial building projects.*

31 (b) *In preparing the manual required pursuant to subdivision*
32 *(a), the Office of Planning and Research shall, at a minimum, do*
33 *all of the following:*

1 (1) Identify and evaluate existing measures and strategies for
2 reducing vehicle miles traveled by occupants or users of new
3 residential and commercial building projects.

4 (2) Identify and evaluate existing means by which projected and
5 actual vehicle-miles-traveled reductions from specific measures
6 and the efficacy of those measures may be determined.

7 (3) Identify further research needed to improve the measurement
8 and evaluation of vehicle-miles-traveled reductions.

9 (4) Identify and evaluate the costs associated with implementing
10 vehicle-miles-traveled reduction measures and strategies.

11 (c) Not later than January 1, 2014, the Office of Planning and
12 Research shall make recommendations to the Legislature and local
13 policymakers, as appropriate, of measures to improve the reduction
14 of vehicle miles traveled related to residential and commercial
15 building projects.

16 SECTION 1. This act shall be known and may be cited as the
17 Healthy Neighborhoods Act of 2012.

18 ~~SEC. 2. Section 25402 of the Public Resources Code is~~
19 ~~amended to read:~~

20 ~~25402. The commission shall, after one or more public~~
21 ~~hearings, do all of the following, in order to reduce the wasteful,~~
22 ~~uneconomic, inefficient, or unnecessary consumption of energy,~~
23 ~~including the energy associated with the use of water:~~

24 ~~(a) (1) Prescribe, by regulation, lighting, insulation climate~~
25 ~~control system, and other building design and construction~~
26 ~~standards that increase the efficiency in the use of energy and water~~
27 ~~for new residential and new nonresidential buildings. The~~
28 ~~commission shall periodically update the standards and adopt any~~
29 ~~revision that, in its judgment, it deems necessary. Six months after~~
30 ~~the commission certifies an energy conservation manual pursuant~~
31 ~~to subdivision (c) of Section 25402.1, no city, county, city and~~
32 ~~county, or state agency shall issue a permit for any building unless~~
33 ~~the building satisfies the standards prescribed by the commission~~
34 ~~pursuant to this subdivision or subdivision (b) that are in effect on~~
35 ~~the date an application for a building permit is filed. Water~~
36 ~~efficiency standards adopted pursuant to this subdivision shall be~~
37 ~~demonstrated by the commission to be necessary to save energy.~~

38 ~~(2) Prior to adopting a water efficiency standard for residential~~
39 ~~buildings, the Department of Housing and Community~~
40 ~~Development and the commission shall issue a joint finding~~

1 whether the standard (A) is equivalent or superior in performance,
2 safety, and for the protection of life, health, and general welfare
3 to standards in Title 24 of the California Code of Regulations and
4 (B) does not unreasonably or unnecessarily impact the ability of
5 Californians to purchase or rent affordable housing, as determined
6 by taking account of the overall benefit derived from water
7 efficiency standards. Nothing in this subdivision in any way
8 reduces the authority of the Department of Housing and
9 Community Development to adopt standards and regulations
10 pursuant to Part 1.5 (commencing with Section 17910) of Division
11 13 of the Health and Safety Code.

12 ~~(3) Water efficiency standards and water conservation design~~
13 ~~standards adopted pursuant to this subdivision and subdivision (b)~~
14 ~~shall be consistent with the legislative findings of this division to~~
15 ~~ensure and maintain a reliable supply of electrical energy and be~~
16 ~~equivalent to or superior to the performance, safety, and protection~~
17 ~~of life, health, and general welfare standards contained in Title 24~~
18 ~~of the California Code of Regulations. The commission shall~~
19 ~~consult with the members of the coordinating council as established~~
20 ~~in Section 18926 of the Health and Safety Code in the development~~
21 ~~of these standards.~~

22 (b) (1) Prescribe, by regulation, energy and water conservation
23 design standards for new residential and new nonresidential
24 buildings. The standards shall be performance standards and shall
25 be promulgated in terms of energy consumption per gross square
26 foot of floorspace, but may also include devices, systems, and
27 techniques required to conserve energy and water. The commission
28 shall periodically review the standards and adopt any revision that,
29 in its judgment, it deems necessary. A building that satisfies the
30 standards prescribed pursuant to this subdivision need not comply
31 with the standards prescribed pursuant to subdivision (a). Water
32 conservation design standards adopted pursuant to this subdivision
33 shall be demonstrated by the commission to be necessary to save
34 energy. Prior to adopting a water conservation design standard for
35 residential buildings, the Department of Housing and Community
36 Development and the commission shall issue a joint finding
37 whether the standard (A) is equivalent or superior in performance,
38 safety, and for the protection of life, health, and general welfare
39 to standards in the California Building Standards Code and (B)
40 does not unreasonably or unnecessarily impact the ability of

1 Californians to purchase or rent affordable housing, as determined
2 by taking account of the overall benefit derived from the water
3 conservation design standards. Nothing in this subdivision in any
4 way reduces the authority of the Department of Housing and
5 Community Development to adopt standards and regulations
6 pursuant to Part 1.5 (commencing with Section 17910) of Division
7 13 of the Health and Safety Code.

8 (2) In order to increase public participation and improve the
9 efficacy of the standards adopted pursuant to subdivisions (a) and
10 (b), the commission shall, prior to publication of the notice of
11 proposed action required by Section 18935 of the Health and Safety
12 Code, involve parties who would be subject to the proposed
13 regulations in public meetings regarding the proposed regulations.
14 All potential affected parties shall be provided advance notice of
15 these meetings and given an opportunity to provide written or oral
16 comments. During these public meetings, the commission shall
17 receive and take into consideration input from all parties
18 concerning the parties' design recommendations, cost
19 considerations, and other factors that would affect consumers and
20 California businesses of the proposed standard. The commission
21 shall take into consideration prior to the start of the notice of
22 proposed action any input provided during these public meetings.

23 (3) The standards adopted or revised pursuant to subdivisions
24 (a) and (b) shall be cost-effective when taken in their entirety and
25 when amortized over the economic life of the structure compared
26 with historic practice. When determining cost-effectiveness, the
27 commission shall consider the value of the water or energy saved,
28 impact on product efficacy for the consumer, and the life cycle
29 cost of complying with the standard. The commission shall consider
30 other relevant factors, as required by Sections 18930 and 18935
31 of the Health and Safety Code, including, but not limited to, the
32 impact on housing costs, the total statewide costs and benefits of
33 the standard over its lifetime, economic impact on California
34 businesses, and alternative approaches and their associated costs.

35 (e) (1) Prescribe, by regulation, standards for minimum levels
36 of operating efficiency, based on a reasonable use pattern, and
37 may prescribe other cost-effective measures, including incentive
38 programs, fleet averaging, energy and water consumption labeling
39 not preempted by federal labeling law, and consumer education
40 programs, to promote the use of energy and water efficient

1 appliances whose use, as determined by the commission, requires
2 a significant amount of energy or water on a statewide basis. The
3 minimum levels of operating efficiency shall be based on feasible
4 and attainable efficiencies or feasible improved efficiencies that
5 will reduce the energy or water consumption growth rates. The
6 standards shall become effective no sooner than one year after the
7 date of adoption or revision. No new appliance manufactured on
8 or after the effective date of the standards may be sold or offered
9 for sale in the state, unless it is certified by the manufacturer thereof
10 to be in compliance with the standards. The standards shall be
11 drawn so that they do not result in any added total costs for
12 consumers over the designed life of the appliances concerned.

13 In order to increase public participation and improve the efficacy
14 of the standards adopted pursuant to this subdivision, the
15 commission shall, prior to publication of the notice of proposed
16 action required by Section 18935 of the Health and Safety Code,
17 involve parties who would be subject to the proposed regulations
18 in public meetings regarding the proposed regulations. All potential
19 affected parties shall be provided advance notice of these meetings
20 and given an opportunity to provide written or oral comments.
21 During these public meetings, the commission shall receive and
22 take into consideration input from all parties concerning the parties'
23 design recommendations, cost considerations, and other factors
24 that would affect consumers and California businesses of the
25 proposed standard. The commission shall take into consideration
26 prior to the start of the notice of proposed action any input provided
27 during these public meetings.

28 The standards adopted or revised pursuant to this subdivision
29 shall not result in any added total costs for consumers over the
30 designed life of the appliances concerned. When determining
31 cost-effectiveness, the commission shall consider the value of the
32 water or energy saved, impact on product efficacy for the
33 consumer, and the life cycle cost to the consumer of complying
34 with the standard. The commission shall consider other relevant
35 factors, as required by Sections 11346.5 and 11357 of the
36 Government Code, including, but not limited to, the impact on
37 housing costs, the total statewide costs and benefits of the standard
38 over its lifetime, economic impact on California businesses, and
39 alternative approaches and their associated costs.

1 ~~(2) No new appliance, except for any plumbing fitting, regulated~~
2 ~~under paragraph (1), that is manufactured on or after July 1, 1984,~~
3 ~~may be sold, or offered for sale, in the state, unless the date of the~~
4 ~~manufacture is permanently displayed in an accessible place on~~
5 ~~that appliance.~~

6 ~~(3) During the period of five years after the commission has~~
7 ~~adopted a standard for a particular appliance under paragraph (1),~~
8 ~~no increase or decrease in the minimum level of operating~~
9 ~~efficiency required by the standard for that appliance shall become~~
10 ~~effective, unless the commission adopts other cost-effective~~
11 ~~measures for that appliance.~~

12 ~~(4) Neither the commission nor any other state agency shall~~
13 ~~take any action to decrease any standard adopted under this~~
14 ~~subdivision on or before June 30, 1985, prescribing minimum~~
15 ~~levels of operating efficiency or other energy conservation~~
16 ~~measures for any appliance, unless the commission finds by a~~
17 ~~four-fifths vote that a decrease is of benefit to ratepayers, and that~~
18 ~~there is significant evidence of changed circumstances. Before~~
19 ~~January 1, 1986, the commission shall not take any action to~~
20 ~~increase a standard prescribing minimum levels of operating~~
21 ~~efficiency for any appliance or adopt a new standard under~~
22 ~~paragraph (1). Before January 1, 1986, any appliance manufacturer~~
23 ~~doing business in this state shall provide directly, or through an~~
24 ~~appropriate trade or industry association, information, as specified~~
25 ~~by the commission after consultation with manufacturers doing~~
26 ~~business in the state and appropriate trade or industry associations~~
27 ~~on sales of appliances so that the commission may study the effects~~
28 ~~of regulations on those sales. These informational requirements~~
29 ~~shall remain in effect until the information is received. The trade~~
30 ~~or industry association may submit sales information in an~~
31 ~~aggregated form in a manner that allows the commission to carry~~
32 ~~out the purposes of the study. The commission shall treat any sales~~
33 ~~information of an individual manufacturer as confidential and that~~
34 ~~information shall not be a public record. The commission shall not~~
35 ~~request any information that cannot be reasonably produced in the~~
36 ~~exercise of due diligence by the manufacturer. At least one year~~
37 ~~prior to the adoption or amendment of a standard for an appliance,~~
38 ~~the commission shall notify the Legislature of its intent, and the~~
39 ~~justification to adopt or amend a standard for the appliance.~~

1 Notwithstanding paragraph (3) and this paragraph, the commission
2 may do any of the following:

3 (A) Increase the minimum level of operating efficiency in an
4 existing standard up to the level of the National Voluntary
5 Consensus Standards 90, adopted by the American Society of
6 Heating, Refrigeration, and Air Conditioning Engineers or, for
7 appliances not covered by that standard, up to the level established
8 in a similar nationwide consensus standard.

9 (B) Change the measure or rating of efficiency of any standard,
10 if the minimum level of operating efficiency remains substantially
11 the same.

12 (C) Adjust the minimum level of operating efficiency in an
13 existing standard in order to reflect changes in test procedures that
14 the standards require manufacturers to use in certifying compliance,
15 if the minimum level of operating efficiency remains substantially
16 the same.

17 (D) Readopt a standard preempted, enjoined, or otherwise found
18 legally defective by an administrative agency or a lower court, if
19 final legal action determines that the standard is valid and if the
20 standard that is readopted is not more stringent than the standard
21 that was found to be defective or preempted.

22 (E) Adopt or amend any existing or new standard at any level
23 of operating efficiency, if the Governor has declared an energy
24 emergency as described in Section 8558 of the Government Code.

25 (5) Notwithstanding paragraph (4), the commission may adopt
26 standards pursuant to Commission Order No. 84-0111-1, on or
27 before June 30, 1985.

28 (d) Recommend minimum standards of efficiency for the
29 operation of any new facility at a particular site that are technically
30 and economically feasible. No site and related facility shall be
31 certified pursuant to Chapter 6 (commencing with Section 25500);
32 unless the applicant certifies that standards recommended by the
33 commission have been considered, which certification shall include
34 a statement specifying the extent to which conformance with the
35 recommended standards will be achieved.

36 Whenever this section and Chapter 11.5 (commencing with
37 Section 19878) of Part 3 of Division 13 of the Health and Safety
38 Code are in conflict, the commission shall be governed by that
39 chapter of the Health and Safety Code to the extent of the conflict.

40 (e) The commission shall do all of the following:

1 ~~(1) Not later than January 1, 2004, amend any regulations in~~
2 ~~effect on January 1, 2003, pertaining to the energy efficiency~~
3 ~~standards for residential clothes washers to require that residential~~
4 ~~clothes washers manufactured on or after January 1, 2007, be at~~
5 ~~least as water efficient as commercial clothes washers.~~

6 ~~(2) Not later than April 1, 2004, petition the federal Department~~
7 ~~of Energy for an exemption from any relevant federal regulations~~
8 ~~governing energy efficiency standards that are applicable to~~
9 ~~residential clothes washers.~~

10 ~~(3) Not later than January 1, 2005, report to the Legislature on~~
11 ~~its progress with respect to the requirements of paragraphs (1) and~~
12 ~~(2).~~

13 ~~(f) (1) The commission shall, in consultation with the Office~~
14 ~~of Planning and Research, the Department of Transportation, and~~
15 ~~the State Air Resources Board, prescribe, by regulation, standards~~
16 ~~to reduce the vehicle miles traveled by occupants of residential~~
17 ~~and nonresidential buildings within the boundaries of a~~
18 ~~metropolitan planning organization.~~

19 ~~(2) (A) The initial standards prescribed pursuant to this~~
20 ~~subdivision shall accomplish a significant reduction of vehicle~~
21 ~~miles traveled by occupants of a building relative to the regional~~
22 ~~average as established by the appropriate metropolitan~~
23 ~~transportation organization.~~

24 ~~(B) The standards shall be revised by the commission every~~
25 ~~three years to accomplish a gradual decrease in statewide per capita~~
26 ~~vehicle miles traveled.~~

27 ~~(C) The initial standards and revisions of the standards shall be~~
28 ~~consistent with and further the intent of the California Global~~
29 ~~Warming Solutions Act of 2006 (Division 25.5 (commencing with~~
30 ~~Section 38500) of the Health and Safety Code), Chapter 728 of~~
31 ~~the Statutes of 2008, and Chapter 469 of the Statutes of 2011.~~

32 ~~(D) In developing and revising the standards, the commission~~
33 ~~shall consider all feasible and attainable means available to achieve~~
34 ~~significant reductions in vehicle miles traveled.~~

35 ~~(E) In determining the feasible and attainable means, the~~
36 ~~commission shall take into consideration all economic, social, and~~
37 ~~environmental costs, over a minimum of a 30-year life cycle for~~
38 ~~the state as a whole, and shall include, but not be limited to, the~~
39 ~~following:~~

- 1 (i) ~~Changes in the cost of construction to comply with the~~
2 ~~standards.~~
- 3 (ii) ~~Changes in the capital and operational costs of transportation~~
4 ~~and utility infrastructure for local and state government resulting~~
5 ~~from more compact development.~~
- 6 (iii) ~~Changes in the cost of automobile ownership and operation~~
7 ~~necessary for households and businesses.~~
- 8 (iv) ~~Reductions in the costs resulting from harm to life, limb,~~
9 ~~and property caused by automobile accidents.~~
- 10 (v) ~~Health impacts of automobile emissions.~~
- 11 (vi) ~~Other environmental, economic, and social costs that result~~
12 ~~from the use of an automobile as compared to mass transit, bicycle,~~
13 ~~or pedestrian modes of transportation.~~
- 14 (F) ~~The standards developed shall facilitate a local government's~~
15 ~~demonstration of progress towards compliance with the~~
16 ~~requirements of the California Global Warming Solutions Act of~~
17 ~~2006.~~
- 18 (3) (A) ~~The standards prescribed by this subdivision shall apply~~
19 ~~to new residential and nonresidential buildings, and to modification~~
20 ~~of existing residential and nonresidential buildings that increases~~
21 ~~the transportation needs of occupants of those buildings.~~
- 22 (B) ~~The standards shall apply only to residential and~~
23 ~~nonresidential buildings located within the boundaries of a~~
24 ~~metropolitan planning organization.~~
- 25 (C) ~~The standards do not apply to modification of a residential~~
26 ~~or nonresidential building that does not increase the gross square~~
27 ~~footage of that building.~~
- 28 (D) ~~The standards do not apply to modification of an existing~~
29 ~~residential building that does not increase the number of residential~~
30 ~~units of the building.~~
- 31 (4) ~~To increase public participation and improve the efficiency~~
32 ~~of the standards adopted pursuant to this subdivision, the~~
33 ~~commission shall, prior to publication of the notice of proposed~~
34 ~~action required by Chapter 3.5 (commencing with Section 11340)~~
35 ~~of Part 1 of Division 3 of Title 2 of the Government Code, involve~~
36 ~~parties that would be subject to the proposed regulations in public~~
37 ~~meetings regarding the proposed regulations. All potentially~~
38 ~~affected parties shall be provided advance notice of these meetings~~
39 ~~and given an opportunity to provide written or oral comments.~~
40 ~~During these public meetings, the commission shall receive and~~

1 take into consideration input from all parties concerning the parties'
2 cost considerations and other factors that would affect consumers
3 and California businesses subject to the proposed standard. The
4 commission shall take into consideration prior to the notice of
5 proposed action any input provided during these public meetings.

6 ~~(5) Upon the adoption of the standards, the commission shall~~
7 ~~publish the standards in the energy conservation manual certified~~
8 ~~pursuant to paragraph (5) of subdivision (a) of Section 25402.1.~~
9 ~~The standards shall be effective six months after the adoption and~~
10 ~~publication of the standards in the energy conservation manual.~~

11 ~~(6) The commission shall determine means of demonstrating~~
12 ~~compliance with standards adopted pursuant to this subdivision~~
13 ~~that include, but are not limited to, all of the following:~~

14 ~~(A) Project location relative to existing destinations and the~~
15 ~~walkability, bikeability, and transit access existing in the immediate~~
16 ~~area of the building.~~

17 ~~(B) Physical design factors of the proposed building or proposed~~
18 ~~modification of the building that impact walkability, bikeability,~~
19 ~~and transit access for the occupants of the building both onsite and~~
20 ~~offsite.~~

21 ~~(C) Programs that accommodate reduction in the building~~
22 ~~occupants' vehicle miles traveled, such as carpooling or transit~~
23 ~~pass subsidies.~~

24 ~~(D) (i) Offsite offset measures that reduce the vehicle miles~~
25 ~~traveled within the jurisdiction of the local government in which~~
26 ~~the building is located when location and onsite design measures~~
27 ~~would not accomplish the vehicle mile traveled reduction required~~
28 ~~by the standards.~~

29 ~~(ii) Each local jurisdiction shall maintain a list of projects or~~
30 ~~programs that would reduce the vehicle miles traveled and the~~
31 ~~estimated vehicle miles traveled reduction for the listed projects~~
32 ~~and programs.~~

33 ~~(iii) Offsite offset measures may include, but are not limited to,~~
34 ~~the following:~~

35 ~~(I) Endowing a new bus line or an upgrade in service for an~~
36 ~~existing bus line in the immediate neighborhood of the building~~
37 ~~or in an area in the jurisdiction where efficacy for reducing vehicle~~
38 ~~miles traveled is high.~~

39 ~~(II) Funding or undertaking improvements to walkability,~~
40 ~~bikeability, or transit access in another area within the jurisdiction.~~

1 ~~(III) Endowing trip reduction programs in other areas in the~~
2 ~~jurisdiction.~~

3 ~~(IV) Priority shall be given to offsite offset measures that have~~
4 ~~the most cost-effective vehicle miles traveled reduction achievable,~~
5 ~~such as measures in existing denser and mixed-use areas.~~

6 ~~(7) Means of demonstrating compliance with the standards~~
7 ~~adopted pursuant to this subdivision shall not include means that~~
8 ~~do not reduce automobile vehicle miles traveled, such as energy~~
9 ~~efficiency of structures, use of alternative fuel, or fuel-efficient~~
10 ~~vehicles, and site design features, such as reduced pavement.~~

11 ~~SEC. 3. Section 25402.1 of the Public Resources Code is~~
12 ~~amended to read:~~

13 ~~25402.1. (a) In order to implement the requirements of~~
14 ~~subdivisions (a), (b), and (f) of Section 25402, the commission~~
15 ~~shall do all of the following:~~

16 ~~(1) Develop a public domain computer program which will~~
17 ~~enable contractors, builders, architects, engineers, and government~~
18 ~~officials to estimate the energy consumed by residential and~~
19 ~~nonresidential buildings and the vehicle miles traveled by the~~
20 ~~occupants of those buildings. The commission may charge a fee~~
21 ~~for the use of the program, which fee shall be based upon the actual~~
22 ~~cost of the program, including any computer costs.~~

23 ~~(2) Establish a formal process for certification of compliance~~
24 ~~options for new products, materials, and calculation methods which~~
25 ~~provides for adequate technical and public review to ensure~~
26 ~~accurate, equitable, and timely evaluation of certification~~
27 ~~applications. Proponents filing applications for new products,~~
28 ~~materials, and calculation methods shall provide all information~~
29 ~~needed to evaluate the application that is required by the~~
30 ~~commission. The commission shall publish annually the results~~
31 ~~of its certification decisions and instructions to users and local~~
32 ~~building officials concerning requirements for showing compliance~~
33 ~~with the building standards for new products, materials, or~~
34 ~~calculation methods. The commission may charge and collect a~~
35 ~~reasonable fee from applicants to cover the costs under this~~
36 ~~subdivision. Any funds received by the commission for purposes~~
37 ~~of this subdivision shall be deposited in the Energy Resources~~
38 ~~Programs Account and, notwithstanding Section 13340 of the~~
39 ~~Government Code, are continuously appropriated to the~~
40 ~~commission for the purposes of this subdivision. Any~~

1 unenumerated portion of funds collected as a fee for an application
2 remaining in the Energy Resources Programs Account after
3 completion of the certification process for that application shall
4 be returned to the applicant within a reasonable period of time.

5 (3) ~~Include a prescriptive method of complying with the~~
6 ~~standards, including design aids such as a manual, sample~~
7 ~~calculations, and model structural designs.~~

8 (4) ~~Conduct a pilot project of field testing of actual residential~~
9 ~~buildings to calibrate and identify potential needed changes in the~~
10 ~~modeling assumptions to increase the accuracy of the public~~
11 ~~domain computer program specified in subdivision (a) and to~~
12 ~~evaluate the impacts of the standards, including, but not limited~~
13 ~~to, the energy savings, cost effectiveness, reduction in vehicle~~
14 ~~miles traveled, and the effects on indoor air quality. The pilot~~
15 ~~project shall be conducted pursuant to a contract entered into by~~
16 ~~the commission. The commission shall consult with the participants~~
17 ~~designated pursuant to Section 9202 of the Public Utilities Code~~
18 ~~to seek funding and support for field monitoring in each public~~
19 ~~utility service territory, with the University of California to take~~
20 ~~advantage of its extensive building monitoring expertise, and with~~
21 ~~the California Building Industry Association to coordinate the~~
22 ~~involvement of builders and developers throughout the state, when~~
23 ~~appropriate. The pilot project shall include periodic public~~
24 ~~workshops to develop plans and review progress. The commission~~
25 ~~shall prepare and submit a report to the Legislature on progress~~
26 ~~and initial findings not later than December 31, 1988, and a final~~
27 ~~report on the results of the pilot project on residential buildings~~
28 ~~not later than June 30, 1990. The report shall include~~
29 ~~recommendations regarding the need and feasibility of conducting~~
30 ~~further monitoring of actual residential and nonresidential~~
31 ~~buildings. The report shall also identify any revisions to the public~~
32 ~~domain computer program, energy conservation standards, and~~
33 ~~the standards prescribed by subdivision (f) of Section 25402 if the~~
34 ~~pilot project determines that revisions are appropriate.~~

35 (5) ~~Certify, not later than 180 days after approval of the~~
36 ~~standards prescribed pursuant to subdivision (a) or (b) of Section~~
37 ~~25402 by the State Building Standards Commission, or after the~~
38 ~~adoption of the standards prescribed pursuant to subdivision (f) of~~
39 ~~Section 25402, an energy conservation manual for use by designers,~~
40 ~~builders, and contractors of residential and nonresidential buildings.~~

1 The manual shall be furnished upon request at a price sufficient
2 to cover the costs of production and shall be distributed at no cost
3 to all affected local agencies. The manual shall contain, but not be
4 limited to, the following:

5 (A) The standards for energy conservation established by the
6 commission.

7 (B) Forms, charts, tables, and other data to assist designers and
8 builders in meeting the standards.

9 (C) Design suggestions for meeting or exceeding the standards.

10 (D) Any other information which the commission finds will
11 assist persons in conforming to the standards.

12 (E) Instructions for use of the computer program for calculating
13 energy consumption in residential and nonresidential buildings.

14 (F) The prescriptive method for use as an alternative to the
15 computer program.

16 (G) The standards adopted pursuant to subdivision (f) of Section
17 25402.

18 (H) Coefficients and algorithms used to determine the vehicle
19 miles traveled reduction and the economic, social, and
20 environmental costs using the best analysis available.

21 (6) Conduct research to increase the accuracy of the tools needed
22 for the measurement of vehicle miles traveled.

23 (7) Establish a continuing program of technical assistance to
24 local building departments in the enforcement of subdivisions (a),
25 (b), and (f) of Section 25402 and this section. The program shall
26 include the training of local officials in building technology and
27 enforcement procedures related to energy conservation, and the
28 development of complementary training programs conducted by
29 local governments, educational institutions, and other public or
30 private entities. The technical assistance program shall include the
31 preparation and publication of forms and procedures for local
32 building departments in performing the review of building plans
33 and specifications. The commission shall provide, on a contract
34 basis, a review of building plans and specifications submitted by
35 a local building department, and shall adopt a schedule of fees
36 sufficient to repay the cost of those services.

37 (b) Subdivisions (a), (b), and (f) of Section 25402 and this
38 section, and the rules and regulations of the commission adopted
39 pursuant to those provisions, shall be enforced by the building
40 department of every city, county, or city and county.

1 ~~(1) A building permit for a residential or nonresidential building~~
2 ~~shall not be issued by a local building department, unless a review~~
3 ~~by the building department of the plans for the proposed residential~~
4 ~~or nonresidential building contains detailed energy system and~~
5 ~~vehicle miles traveled specifications and confirms that the building~~
6 ~~satisfies the minimum standards established pursuant to subdivision~~
7 ~~(a) or (b) and subdivision (f) of Section 25402, and this section~~
8 ~~that are applicable to the building.~~

9 ~~(2) Where there is no local building department, the commission~~
10 ~~shall enforce subdivisions (a), (b), and (f) of Section 25402 and~~
11 ~~this section.~~

12 ~~(3) If a local building department fails to enforce subdivisions~~
13 ~~(a), (b), and (f) of Section 25402 and this section or any other~~
14 ~~provision of this chapter or standard adopted pursuant thereto, the~~
15 ~~commission may provide enforcement after furnishing 10 days'~~
16 ~~written notice to the local building department.~~

17 ~~(4) A city, county, or city and county may, by ordinance or~~
18 ~~resolution, prescribe a schedule of fees sufficient to pay the costs~~
19 ~~incurred in the enforcement of subdivisions (a), (b), and (f) of~~
20 ~~Section 25402 and this section. The commission may establish a~~
21 ~~schedule of fees sufficient to pay the costs incurred by that~~
22 ~~enforcement.~~

23 ~~(5) The construction of a state building shall not commence~~
24 ~~until the Department of General Services or the state agency that~~
25 ~~otherwise has jurisdiction over the property reviews the plans for~~
26 ~~the proposed building and certifies that the plans satisfy the~~
27 ~~minimum standards established pursuant to Chapter 2.8~~
28 ~~(commencing with Section 15814.30) of Part 10b of Division 3 of~~
29 ~~Title 2 of the Government Code, subdivision (a) or (b) and~~
30 ~~subdivision (f) of Section 25402, and this section that are applicable~~
31 ~~to the building.~~

32 ~~(e) Subdivisions (a) and (b) of Section 25402 and this section~~
33 ~~shall apply only to new residential and nonresidential buildings~~
34 ~~on which actual site preparation and construction have not~~
35 ~~commenced prior to the effective date of rules and regulations~~
36 ~~adopted pursuant to those sections that are applicable to those~~
37 ~~buildings. Those sections shall not prohibit either of the following:~~

38 ~~(1) The enforcement of state or local energy conservation or~~
39 ~~energy insulation standards, adopted prior to the effective date of~~
40 ~~rules and regulations adopted pursuant to subdivisions (a) and (b)~~

1 of Section 25402 and this section with regard to residential and
2 nonresidential buildings on which actual site preparation and
3 construction have commenced prior to that date.

4 (2) ~~The enforcement of city or county energy conservation or
5 energy insulation standards, whenever adopted, with regard to
6 residential and nonresidential buildings on which actual site
7 preparation and construction have not commenced prior to the
8 effective date of rules and regulations adopted pursuant to
9 subdivisions (a) and (b) of Section 25402 and this section, if the
10 city or county files the basis of its determination that the standards
11 are cost effective with the commission and the commission finds
12 that the standards will require the diminution of energy
13 consumption levels permitted by the rules and regulations adopted
14 pursuant to those sections. If, after two or more years after the
15 filing with the commission of the determination that those standards
16 are cost effective, there has been a substantial change in the factual
17 circumstances affecting the determination, upon application by
18 any interested party, the city or county shall update and file a new
19 basis of its determination that the standards are cost effective. The
20 determination that the standards are cost effective shall be adopted
21 by the governing body of the city or county at a public meeting.
22 If, at the meeting on the matter, the governing body determines
23 that the standards are no longer cost effective, the standards shall,
24 as of that date, be unenforceable and no building permit or other
25 entitlement shall be denied based on the noncompliance with the
26 standards.~~

27 ~~(d) The commission may exempt from the requirements of this
28 section and of any regulations adopted pursuant to this section any
29 proposed building for which compliance would be impossible
30 without substantial delays and increases in cost of construction, if
31 the commission finds that substantial funds have been expended
32 in good faith on planning, designing, architecture or engineering
33 prior to the date of adoption of the regulations.~~

34 ~~(e) If a dispute arises between an applicant for a building permit,
35 or the state pursuant to paragraph (5) of subdivision (g), and the
36 building department regarding interpretation of Section 25402 or
37 the regulations adopted pursuant thereto, either party may submit
38 the dispute to the commission for resolution. The commission's
39 determination of the matter shall be binding on the parties.~~

1 ~~(f) Section 25130, 25131, 25402, or this section does not prevent~~
2 ~~the enforcement of any regulation adopted pursuant to this chapter,~~
3 ~~or Chapter 11.5 (commencing with Section 19878) of Part 3 of~~
4 ~~Division 13 of the Health and Safety Code as they existed prior to~~
5 ~~September 16, 1977.~~
6 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
7 ~~Section 6 of Article XIII B of the California Constitution because~~
8 ~~a local agency or school district has the authority to levy service~~
9 ~~charges, fees, or assessments sufficient to pay for the program or~~
10 ~~level of service mandated by this act, within the meaning of Section~~
11 ~~17556 of the Government Code.~~