

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 18.30 OF TITLE 18 OF THE BURLINGAME MUNICIPAL CODE TO ADOPT LOCAL AMENDMENTS TO PART 11 OF THE STATE BUILDING CODE AND CREATING A NEW CHAPTER 18.31 OF TITLE 18 OF THE BURLINGAME MUNICIPAL CODE TO ADOPT LOCAL AMENDMENTS TO PART 6 OF THE STATE ENERGY CODE (CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15061(B)(3))**

**WHEREAS**, the City of Burlingame formally adopted the 2022 California Building Codes, which includes Title 24, Part 11: The California Green Building Standards Code (CALGreen), at its regular meeting of November 7, 2022 (Ordinance No. 2010), codified in Title 18 of the Burlingame Municipal Code; and

**WHEREAS**, the City desires to repeal and replace Chapter 18.30 of Title 18 of the Burlingame Municipal Code, which will become the California Green Building Standards Code, 2022 Edition, with local amendments to include electrification requirements; and

**WHEREAS**, the local amendments amend Chapter 18.30 of the Burlingame Municipal Code, and therefore the local application of the California Green Building Standards Code, to enhance electric vehicle charging infrastructure beyond state requirements; and

**WHEREAS**, the City desires to adopt local amendments to Part 6 of the California Energy Code through the Addition of Chapter 18.31 to Title 18 of the Burlingame Municipal Code; and

**WHEREAS**, the local amendments to Part 6 of the California Energy Code require more efficient building than what is minimally required by the state by establishing a higher energy performance margin that encourages electrification in buildings as it is the more cost-effective option in new construction; and

**WHEREAS**, pursuant to Sections 17922, 17958, 17958.5, 17958.7 and 18941.5 of the California Health and Safety Code, the City may adopt amendments, modifications, changes, and additions to the provisions of these codes, which are reasonably necessary to protect the health, welfare and safety of the citizens of Burlingame because of local climatic, geological and topographical conditions; and

**WHEREAS**, the City of Burlingame adopted a Climate Action Plan (CAP) that contains measures to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

**WHEREAS**, adoption of these local amendments is consistent with the goals of reducing greenhouse gas emissions as identified in the City's CAP.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2.** The City Council hereby finds that the proposed Ordinance is in the public interest.

**Section 3.** The proposed Ordinance is not a Project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a Project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

**Section 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 5.** Chapter 18.30 of Title 18 of the Burlingame Municipal Code is repealed in its entirety and replaced with a new Chapter 18.30 as reflected in Exhibit A, attached hereto and incorporated herein by reference. Chapter 18.31 of Title 18 of the Burlingame Municipal Code is hereby added as reflected in Exhibit B, attached hereto and incorporated herein by reference

**Section 6.** Pursuant to Sections 17922, 17958, 17958.5, 17958.7 and 18941.5 of the California Health and Safety Code, the City Council makes the following findings to support the need for local amendments to the Green Building Standards Code which are reasonably necessary to protect the health, welfare and safety of the citizens of Burlingame because of local climatic, geological and topographical conditions:

1. Climatic. The City of Burlingame is located in Climate Zone 3 as established in the 2022 California Energy Code. Climate Zone 3 incorporates mostly coastal communities from Marin County to southern Monterey County including San Francisco. The City experiences precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of

approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting from 25 to 35 miles per hour. The City Council also adopted a Climate Action Plan that has a goal of reducing greenhouse gas emissions by 40% by 2030. In order to achieve and maintain this goal, the City needs to adopt policies and regulations that reduce the use of fossil fuels that contribute to climate change, such as natural gas in buildings, in new development. Human activities, such as burning natural gas to heat buildings, releases greenhouse gases into the atmosphere and causes an overall increase in global average temperature. This causes sea levels to rise, affecting the City's shoreline and infrastructure. These climatic conditions along with the greenhouse emissions generated from structures in both the residential and nonresidential sectors requires exceeding the energy standards for building construction established in the 2022 California Buildings Standards Code.

2. Geologic. The City of Burlingame is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then on up the San Francisco Peninsula, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The other fault is Hayward Fault. This fault is about 74 mi long, situated mainly along the western base of the hills on the east side of San Francisco Bay. Both of these faults are considered major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage and risks, including the possibility of gas leaks as a result of seismic activity, and to establish criteria for repair of damaged properties following a local emergency.
3. Topographic. The City of Burlingame is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also the City is located in an area that is relatively high liquefaction potential given its proximity to the Bay, especially given the number of creeks that flow through the City, as well as the historic marshland and Bay fill east of Interstate 101. The surface condition consists mostly of stiff to dense sandy clay, which is highly plastic and expansive in nature. The aforementioned conditions within the City create hazardous conditions for which departure from California Building Standards Code and Electrical Code is warranted.

**Section 7.** Section 5, Exhibits A and B of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 2, 3, 4, 6, 7, 8, and 9 shall not be so codified.

**Section 8.** This Ordinance shall go into effect 30 days following its adoption and following approval by the California Energy Commission.

**Section 9.** The City Clerk is directed to publish this Ordinance in a manner required by law.

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Donna Colson, Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 21<sup>st</sup> day of October, 2024 and adopted thereafter at a regular meeting of the City Council held on the 4th day of November, 2024 by the following votes:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

ATTEST:

\_\_\_\_\_  
Meaghan Hassel - Shearer, City Clerk

## EXHIBIT A

Chapter 18.30 of Title 18 of the City of Burlingame Municipal Code is repealed in its entirety, and replaced with a new Chapter 18.30 of Title 18 as follows:

### **18.30.010 Adoption of 2022 California Green Building Standards Code.**

The rules, regulations and standards printed in one volume and published by the International Code Council (ICC), under the title "2022 California Green Building Standards Code" adopted as the "2022 California Green Building Standards Code," including Appendix Chapter A4 and the state of California amendments thereto, is adopted as and for the rules, regulations and standards within this city as to all matters therein contained, except as otherwise provided in this chapter. Appendix Chapter A4 of the Green Building Standards Code shall be enforceable to the same extent as if contained in the body of the code.

### **18.30.020 Exemptions and exceptions.**

(a) Exemptions. Any project that has submitted an application deemed complete by the director of community development for either a planning or building entitlement prior to January 1, 2023, is exempt from the city of Burlingame's local amendments to Title 24, Part 11: The California Green Building Standards Code (CALGreen) that went into effect on January 1, 2023. All projects must still comply with any local amendments to the California Energy Code applicable to the project that were in place prior to January 1, 2023, as well as with all other applicable local, state and federal codes and regulations.

(b) Exceptions. If the applicant establishes that there is not a compliance pathway for the building under the city's local amendments to the California Green Building Standards Code (effective January 1, 2023), and that the building is not able to achieve the performance compliance standard applicable to the building under these same standards using commercially available technology and an approved calculation method, or if it is demonstrated that there is equivalent greenhouse gas reduction, then the building official may grant an exception.

(c) Exception Process.

(1) Granting of Exception. If the building official or designee determines that it is infeasible for the applicant to fully meet the requirements of this chapter and the exception listed above applies, the building official or designee, shall determine the maximum feasible threshold of compliance reasonably achievable for the project. The decision of the building official or designee shall be provided to the applicant in writing. If an exception is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve, in accordance with this chapter, the threshold of compliance determined to be achievable by the building official or designee.

(2) Denial of Exception. If the building official or designee determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request for exception shall be denied and the building official or designee shall so notify the applicant in writing. The project and compliance documentation shall be modified to comply with this chapter prior to further review of any pending planning or building permit application.

(3) Appeals of Exception Denial. If denied the exception, the applicant may appeal the denial in writing to the director of community development. Such appeal must be received by the city within five business days from the date the applicant was given notice of the denial. The director will consider the information provided, and render a written decision regarding infeasibility based on the factors set forth in this chapter. The decision of the director shall be final.

### **18.30.030 – Local Amendments**

The following Local Amendments are made to the 2022 California Green Building Standards Code:

#### **Chapter 2:**

#### **SECTION 202 – DEFINITIONS**

**AFFORDABLE HOUSING.** Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

**AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS).** A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

**DIRECT CURRENT FAST CHARGING (DCFC) PARKING SPACE.** A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

**ELECTRIC VEHICLE CHARGING STATION (EVCS).** A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in

accordance with the California Electrical Code, Article 625.

**ELECTRIC VEHICLE (EV) READY SPACE. [HCD]** A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

**FUEL GAS.** A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

**LEVEL 2 EV CAPABLE.** A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”
- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

**LEVEL 1 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**LEVEL 2 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.

- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

**LOW POWER LEVEL 2 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

## **CHAPTER 3 – GREEN BUILDING**

### **301.1.1 Additions and alterations.**

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

**NOTE:** Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

## **CHAPTER 4 – RESIDENTIAL MANDATORY MEASURES**

**4.106.4 Electric vehicle (EV) charging.** Residential-construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

### **Exceptions:**

- 1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
  - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.



- 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.
3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date shall provide, based on the total number of parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.

#### **4.106.4.1 One- and two-family dwellings and town-houses with private garages.**

**4.106.4.1.1 New Construction.** One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready* space.

**4.106.4.1.2. Existing Building.** Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.

**4.106.4.2 Multifamily dwellings with residential parking facilities.** Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

**4.106.4.2.1 New Construction.** Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

#### 4.106.4.2.2 Existing Buildings.

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere) per space.

#### 4.106.4.3 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.

**Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

##### 4.106.4.3.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2, Item 3.

##### 4.106.4.3.2 Dimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
  - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

**Exception:** Where the City’s Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

**4.106.4.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

## **CHAPTER 5 – NONRESIDENTIAL MANDATORY MEASURES**

### **5.106.5.3 Electric vehicle (EV) charging.**

Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

#### **Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
  - a. Where there is no local utility power supply.
  - b. Where the local utility is unable to supply adequate power.
  - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

#### **5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared Parking Space.**

**5.106.5.3.1.1 New Construction.** Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.1.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

**5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.**

**5.106.5.3.2.1 New Construction.** Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.2.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

**5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.**

**5.106.5.3.3.1 New Construction.** Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

**5.106.5.3.3.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

**5.106.5.3.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

**5.106.5.4 Electric vehicle charging readiness: medium-duty and heavy-duty. [N]**

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

**Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
  - a. Where there is no local utility power supply.
  - b. Where the local utility is unable to supply adequate power.
  - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

**5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces.**

**[N]** In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty ZEV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be

located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.

4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

**TABLE 5.106.5.4.1, Raceway Conduit and Panel power Requirements for Medium- and-Heavy-Duty EVSE [N]**

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

## EXHIBIT B

Chapter 18.31 of Title 18 of the City of Burlingame Municipal Code is hereby added as follows, which adds local amendments to Part 6 of the California Energy Code:

The City of Burlingame Adopts California Building Energy Efficiency Standards, 2022 Edition, Title 24, Part 6 of the California Code of Regulations in its full form with the following local amendments:

### **SUBCHAPTER 1**

ALL OCCUPANCIES—GENERAL PROVISIONS

SECTION 100.1(b) – DEFINITIONS AND RULES OF CONSTRUCTION

Section 100.1(b) is amended to add the following:

**ELECTRIC HEATING APPLIANCE.** A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

**KITCHEN, INSTITUTIONAL COMMERCIAL** is a kitchen dedicated to a foodservice establishment that provides meals at institutions including schools, colleges and universities, hospitals, correctional facilities, private cafeterias, nursing homes, and other buildings or structures in which care or supervision is provided to occupants.

**KITCHEN, QUICK-SERVICE COMMERCIAL** is a kitchen dedicated to an establishment primarily engaged in providing fast food, fast casual, or limited services. Food and drink may be consumed on premises, taken out, or delivered to the customer's location.

**NET FREE AREA (NFA)** is the total unobstructed area of the air gaps between louver and grille slats in a vent through which air can pass. The narrowest distance between two slats, perpendicular to the surface of both slats is the air gap height. The narrowest width of the gap is the air gap width. The NFA is the air gap height multiplied by the air gap width multiplied by the total number of air gaps between slats in the vent.

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**SUBCHAPTER 3**

***NONRESIDENTIAL, HOTEL/MOTEL OCCUPANCIES, AND COVERED PROCESSES – MANDATORY REQUIREMENTS***

**SECTION 120.2 – REQUIRED CONTROLS FOR SPACE-CONDITIONING SYSTEMS**

Subchapter 3 is amended to add Section 120.2(l) to be numbered, entitled, and to read as follows:

(a) – (k): Subsections 120.2(a) – (k) are adopted without modification.

(l) HVAC Hot Water Temperature. Zones that use hot water for space heating shall be designed for a hot water supply temperature of no greater than 130 °F.

**SECTION 120.6 – GENERAL**

Subchapter 3 is amended to add Section 120.6 to be numbered, entitled, and to read as follows:

(a) – (j): Subsections 120.6(a) – (j) are adopted without modification.

(k) Mandatory requirements for commercial kitchens. Electric Readiness for Newly Constructed Commercial Kitchens shall meet the following requirements:

1. Quick-service commercial kitchens and institutional commercial kitchens shall include a dedicated branch circuit wiring and outlet that would be accessible to cookline appliances and shall meet all of the following requirements:

- a. The branch circuit conductors shall be rated at 50 amps minimum.
- b. The electrical service panel shall have a minimum capacity of 800 connected amps.

2. The electrical service panel shall be sized to accommodate an additional either 208v or 240v 50-amp breaker.

EXCEPTION 1 to Section 120.6(k): healthcare facilities.

EXCEPTION 2 to Section 120.6(k): all-electric commercial kitchens.

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## **SUBCHAPTER 4**

### **NONRESIDENTIAL AND HOTEL/MOTEL OCCUPANCIES—MANDATORY REQUIREMENTS FOR LIGHTING SYSTEMS AND EQUIPMENT, AND ELECTRICAL POWER DISTRIBUTION SYSTEMS**

#### **SECTION 130.0 – LIGHTING SYSTEMS AND EQUIPMENT, AND ELECTRICAL POWER DISTRIBUTION SYSTEMS —GENERAL**

Subchapter 4 is amended to read as follows:

- a. The design and installation of all lighting systems and equipment in nonresidential and hotel/motel buildings, outdoor lighting, and electrical power distribution systems within the scope of Section 100.0(a), shall comply with the applicable provisions of Sections 130.0 through 130.6.

**NOTE:** The requirements of Sections 130.0 through 130.6 apply to newly constructed buildings. Section 141.0 specifies which requirements of Sections 130.0 through 130.6 also apply to additions and alterations to existing buildings.

#### **SECTION 130.6 – ELECTRIC READINESS REQUIREMENTS FOR SYSTEMS USING GAS OR PROPANE**

Subchapter 4 is amended to add Section 130.6 to be numbered, entitled, and to read as follows:

##### **130.6 Electric Readiness Requirements for Systems Using Gas or Propane**

Where nonresidential systems using gas or propane are installed, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electric heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor.

- a) Branch circuit wiring, electrically isolated and designed to serve all electric heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
- b) Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
- c) Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
- d) Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electric heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
- e) Physical space for future electric heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint

necessary for future electric heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

## **SUBCHAPTER 5**

### **NONRESIDENTIAL AND HOTEL/MOTEL OCCUPANCIES—PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES FOR ACHIEVING ENERGY EFFICIENCY**

#### **SECTION 140.0 – PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES**

Section 140.0 is amended to read as follows:

Nonresidential and hotel/motel buildings shall comply with all of the following:

- a) The requirements of Sections 100.0 through 110.12 applicable to the building project (mandatory measures for all buildings).
- b) The requirements of Sections 120.0 through 130.6 (mandatory measures for nonresidential and high-rise residential and hotel/motel buildings).
- c) Either the performance compliance approach (energy budgets) specified in Section 140.1 or the prescriptive compliance approach specified in Section 140.2 for the Climate Zone in which the building will be located. Climate zones are shown in FIGURE 100.1-A.

NOTE to Section 140.0(c): The Commission periodically updates, publishes and makes available to interested persons and local enforcement agencies precise descriptions of the Climate Zones, which is available by zip code boundaries depicted in the Reference Joint Appendices along with a list of the communities in each zone.

NOTE to Section 140.0: The requirements of Sections 140.1 through 140.10 apply to newly constructed buildings. Section 141.0 specifies which requirements of Section 140.1 through 140.10 also apply to additions or alterations to existing buildings.

#### **SECTION 140.1 - PERFORMANCE APPROACH: ENERGY BUDGETS**

Section 140.1 is amended to read as follows:

A building complies with the performance approach provided that:

1. The time-dependent valuation (TDV) energy budget calculated for the Proposed Design Building under Subsection (b) is no greater than the TDV energy budget calculated for the Standard Design Building under Subsection (a), and
2. The source energy budget calculated for the proposed design building under Subsection (b) has a source energy compliance margin, relative to the energy budget calculated for the standard design building under Subsection (a), of at least 7 percent for all nonresidential occupancies.

EXCEPTION 1 to 140.1 item 2. A source energy compliance margin of 0 percent or greater is required when nonresidential occupancies are designed with single zone space-conditioning systems complying with Section 140.4(a)2.

- (a) – (c) Subsections 140.1 (a) – (c) are adopted without modification.

## **SUBCHAPTER 7**

### ***SINGLE-FAMILY RESIDENTIAL BUILDINGS – MANDATORY FEATURES AND DEVICES***

#### **SECTION 150.0 - MANDATORY FEATURES AND DEVICES**

Section 150.0 is amended as follows:

Single-family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(v).

**NOTE:** The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(r) also apply to additions or alterations. The amendments to sections 150.0 (t) do not apply to additions or alterations.

(a) – (s): Subsections 150.0(a) – (s) are adopted without modification.

(t) Heat pump space heater ready. Systems using gas or propane furnace to serve individual dwelling units shall include the following:

1. A dedicated 240 volt branch circuit wiring shall be installed within 3 feet from the furnace and accessible to the furnace with no obstructions. The branch circuit conductors shall be rated at 30 amps minimum. The blank cover shall be identified as “240V ready.” All electrical components shall be installed in accordance with the California Electrical Code.
2. The main electrical service panel shall have a reserved space to allow for the installation of a double pole circuit breaker for a future heat pump space heater installation. The reserved space shall be permanently marked as “For Future 240V use.”
3. A designated exterior location for a future heat pump compressor unit with either a drain or natural drainage for condensate.

(u) – (v): Subsections 150.0(u) – (v) are adopted without modification.

## **SUBCHAPTER 8**

### **SINGLE-FAMILY RESIDENTIAL BUILDINGS – PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES**

#### **SECTION 150.1 - PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES FOR SINGLE FAMILY RESIDENTIAL BUILDINGS**

Section 150.1 is amended to read as follows:

- (a) Section (a) is adopted without modification
- (b) Performance Standards. A building complies with the performance standards if the energy consumption calculated for the proposed design building is no greater than the energy budget calculated for the standard design building using Commission-certified compliance software as specified by the Alternative Calculation Methods

Approval Manual, as specified in sub-sections 1, 2 and 3 below.

1. Newly Constructed Buildings. The Energy Budget for newly constructed buildings is expressed in terms of the Energy Design Ratings, which are based on source energy and time-dependent valuation (TDV) energy. The Energy Design Rating 1 (EDR1) is based on source energy. The Energy Design Rating 2 (EDR2) is based on TDV energy and has two components, the Energy Efficiency Design Rating, and the Solar Electric Generation and Demand Flexibility Design Rating. The total Energy Design Rating shall account for both the Energy Efficiency Design Rating and the Solar Electric Generation and Demand Flexibility Design Rating. The proposed building shall separately comply with the Source Energy Design Rating, Energy Efficiency Design Rating and the Total Energy Design Rating. A building complies with the performance approach if the TDV energy budget calculated for the proposed design building is no greater than the TDV energy budget calculated for the Standard Design Building AND Source Energy compliance margin of at least 9, relative to the Source Energy Design Rating 1 calculated for the Standard Design building.

EXCEPTION 1 to Section 150.1(b)1. A community shared solar electric generation system, or other renewable electric generation system, and/or community shared battery storage system, which provides dedicated power, utility energy reduction credits, or payments for energy bill reductions, to the permitted building and is approved by the Energy Commission as specified in Title 24, Part 1, Section 10-115, may offset part or all of the solar electric generation system Energy Design Rating required to comply with the Standards, as calculated according to methods established by the Commission in the Residential ACM Reference Manual.

EXCEPTION 2 to Section 150.1(b)1. A newly constructed building with a conditioned floor area less than 1,500 square feet shall achieve a Source Energy compliance margin of 4 or greater, relative to the Source Energy Design Rating 1 calculated for the Standard Design building.

EXCEPTION 3 to Section 150.1(b)1. If a newly constructed building with a conditioned floor area less than 625 square feet demonstrates that due to conditions specific to the project it is technically infeasible to achieve compliance, the Building Official may reduce the compliance margin to between 0 and 4.

2. Additions and Alterations to Existing Buildings. The Energy Budget for additions and alterations is expressed in terms of TDV energy.
  3. Section (b)(3) is adopted without modification.
- (c) Section (c) is adopted without modification.

## **SUBCHAPTER 10**

### **MULTIFAMILY BUILDINGS-MANDATORY REQUIREMENTS**

#### **SECTION 160.4 MANDATORY REQUIREMENTS FOR WATER HEATING SYSTEMS**

Section 160.4 is amended to remove subsection (a) as follows:

- (a) Reserved.

Sections (b) to (f) are adopted without amendments.

#### **SECTION 160.9 MANDATORY REQUIREMENTS FOR ELECTRIC READY BUILDINGS**

Section 160.9 Sections (a) to (c) are adopted without amendments. Sections (d) through (f) are added as follows:

(a) – (c): Subsections 160.9(a) – (c) are adopted without modification.

- (d) **Individual Heat Pump Water Heater Ready.** Systems using gas or propane water heaters to serve individual dwelling units shall include the following components and shall meet the requirements of Section 160.9(f):
  1. A dedicated 125 volt, 20 amp electrical receptacle that is connected to the electric panel with a 120/240 volt 3 conductor, copper branch circuit rated to 30 amps, within 3 feet from the water heater and accessible to the water heater with no obstructions. In addition, all of the following:
    - A. Both ends of the unused conductor shall be labeled with the word “spare” and be electrically isolated; and
    - B. A reserved single pole circuit breaker space in the electrical panel adjacent to the circuit breaker for the branch circuit in A above and labeled with the words “Future 240V Use”;
  2. A condensate drain that is no more than 2 inches higher than the base of the installed water heater, and allows natural draining without pump assistance,
  3. The construction drawings shall indicate the location of the future heat pump water heater. The reserved location shall have minimum interior dimensions of 39”x39”x96”
  4. A ventilation method meeting one of the following:
    - A. The designed space reserved for the future heat pump water heater shall have a minimum volume of 700 cubic feet; or
    - B. The designed space reserved for the future heat pump water heater shall vent to a communicating space in the same pressure boundary via permanent openings with a minimum total net free area of 250 square inches so that the total combined volume connected via permanent openings is 700 cu. ft. or larger. The permanent openings shall be:

- i. Fully louvered doors with fixed louvers consisting of a single layer of fixed flat slats; or
    - ii. Two permanent fixed openings, consisting of a single layer of fixed flat slat louvers or grilles, one commencing within 12 inches from the top of the enclosure and one commencing within 12 inches from the bottom of the enclosure.
  - C. The designed space reserved for the future heat pump water heater shall include two 8" capped ducts, venting to the building exterior:
    - i. All ducts, connections and building penetrations shall be sealed.
    - ii. Exhaust air ducts and all ducts which cross pressure boundaries shall be insulated to a minimum insulation level of R-6
    - iii. Airflow from termination points shall be diverted away from each other.
- (e) **Central Heat Pump Water Heater Electric Ready.** Central water heating systems using gas or propane to serve multiple dwelling units shall include the following:
  - 1. The system input capacity of the gas or propane water heating system shall be determined as the sum of the input gas or propane capacity of all water heating devices associated with each gas or propane water heating system.
  - 2. Space reserved shall include:
    - A. Heat Pump. The minimum space reserved shall include space for service clearances and air flow clearances and shall meet one of the following:
      - i. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, the minimum space reserved for the heat pump shall be 2.0 square feet per input 10,000 BTU per hour of the gas or propane water heating system, and the minimum linear dimension of the space reserved shall be 48 linear inches.
      - ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum space reserved for the heat pump shall be 3.6 square feet per input 10,000 BTU per hour of the gas or propane water heating system, and the minimum linear dimension of the space reserved shall be 84 linear inches.
      - iii. The space reserved shall be the space required for a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.
    - B. Tanks. The minimum space reserved shall include space for service clearances and shall meet one of the following:
      - i. If the system input capacity of the gas water heating system is

less than 200,000 BTU per hour, the minimum space reserved for the storage and temperature maintenance tanks shall be 4.4 square feet per input 10,000 BTU per hour. of the gas or propane water heating system.

- ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum physical space reserved for the storage and temperature maintenance tanks shall be 3.1 square feet per input 10,000 BTU per hour. of the gas or propane water heating system.
- iii. The space reserved shall be the space required for a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.

3. Ventilation shall be provided by meeting one of the following:

A. Physical space reserved for the heat pump shall be located outside, or

B. A pathway shall be reserved for future routing of supply and exhaust air via ductwork from the reserved heat pump location to an appropriate outdoor location. Penetrations through the building envelope for louvers and ducts shall be planned and identified for future use. The reserved pathway and penetrations through the building envelope shall be sized to meet one of the following:

- i. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, the minimum air flow rate shall be 70 CFM per input 10,000 BTU per hour of the gas or propane water heating system and the total external static pressure drop of ductwork and louvers shall not exceed 0.17 inch when the future heat pump water heater is installed.
- ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum air flow rate shall be 420 CFM per input 10,000 BTU per hour of the gas or propane water heating system and the total external static pressure drop of ductwork and louvers shall not exceed 0.17 inch when the future heat pump water heater is installed.
- iii. The reserved pathway and penetrations shall be sized to serve a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.

4. Condensate drainage piping. An approved receptacle that is sized in accordance with the California Plumbing Code to receive the condensate drainage shall be installed within 3 feet of the reserved heat pump location, or piping shall be installed from within 3 feet of the reserved heat pump location to an approved discharge location that is sized in accordance with the California Plumbing Code, and meets one of the following:

- A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, condensate drainage shall be sized for 0.2 tons of refrigeration capacity per input 10,000 BTU per hour.
- B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, condensate drainage shall be sized for 0.7 tons of refrigeration capacity per input 10,000 BTU per hour.
- C. Condensate drainage shall be sized to serve a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.

5. Electrical.

- A. Physical space shall be reserved on the bus system of the main switchboard or on the bus system of a distribution board to serve the future heat pump water heater system including the heat pump and temperature maintenance tanks. In addition, the physical space reserved shall be capable of providing adequate power to the future heat pump water heater as follows:
  - i. Heat Pump. For the Heat Pump, the physical space reserved shall comply with one of the following:
    - A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, provide 0.1 kVA per input 10,000 BTU per hour.
    - B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, provide 1.1 kVA per input 10,000 BTU per hour.
    - C. The physical space reserved supplies sufficient electrical power required to power a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.
  - ii. Temperature Maintenance Tank. For the Temperature Maintenance Tank, the physical space reserved shall comply with one of the following:
    - A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, provide 1.0 kVA per input 10,000 BTU per hour.
    - B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, provide 0.6 kVA per input 10,000 BTU per hour.
    - C. The physical space reserved supplies sufficient electrical power required to power a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.

(f) The building electrical system shall be sized to meet the future electric



requirements of the electric ready equipment specified in sections 160.9 a – e. To meet this requirement the building main service conduit, the electrical system to the point specified in each subsection, and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each electric ready appliance in accordance with the California Electric Code.

## **SUBCHAPTER 11**

### ***MULTIFAMILY BUILDINGS - PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES***

#### **SECTION 170.1 – PERFORMANCE APPROACH**

Section 170.1 is adopted with amendments as follows:

A building complies with the performance approach if the TDV energy budget calculated for the proposed design building under Subsection (b) is no greater than the TDV energy budget calculated for the [Standard Design Building](#) under Subsection (a). Additionally,

1. The energy budget, expressed in terms of source energy, of a newly constructed low-rise multifamily building (three habitable stories or less) shall be at least 10 percent lower than that of the Standard Design Building.
  
2. Newly Constructed high-rise multifamily buildings (greater than four habitable stories) shall be at least 4 percent lower than that of the Standard Design Building.

Sub-sections (a) to (d) are adopted without amendments.