

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.06 (ENERGY CODE) AND 11.07 (GREEN BUILDING STANDARDS CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE, TOGETHER WITH CERTAIN AMENDMENTS, EXCEPTIONS, MODIFICATIONS AND ADDITIONS THERETO

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. FINDINGS

WHEREAS, the City of San Bruno (“City”) has adopted the 2019 editions of the California Energy Code and Green Building Standards Codes; and

WHEREAS, it is the intent of the City of San Bruno (“City”) to formally adopt the 2022 California Energy Code ad Green Building Standards Codes at its regular meeting of September 13, 2022; and

WHEREAS, the California Energy Code is a part of the California Building Standards which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards

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 San Bruno because of local climatic, geological and topographical conditions; and

WHEREAS, Public Resources Code Section 25402.1 (h) 2 and Section 10-106 of the Building Energy Efficiency Standards (Standards) establish a process which allows local adoption of energy standards that are more stringent than the statewide Standards, provided that such local standards are cost-effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the City, through the Statewide Codes & Standards Program, has performed a cost-effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code contained in this ordinance which memo is hereby incorporated by reference; and

WHEREAS, the City has completed review of the proposed amendments and has determined that the requirements of the local amendments to the California Energy Code and

Green Building Standards Code will require buildings to consume no more energy than permitted by the California Energy Code; and

WHEREAS, adoption of these local amendments is consistent with the goals of reducing greenhouse gas emissions as identified in the City’s Strategic Initiatives.

SECTION 2. REGULATION.

CHAPTER 11.06: AMENDMENTS TO THE 2022 CALIFORNIA ENERGY CODE AND CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections	11.06 Adoption of the California Energy Code
11.06.030	Amendment to Section 100.0
11.06.040	Amendment to Section 100.1
11.06.050	Amendment to Section 110.2
11.06.060	Amendment to Section 110.3
11.06.070	Amendment to Section 110.4
11.06.080	Amendment to Section 110.5

11.06.030 Section 100.0 e (2) A of the Energy Code Amended:

(e) Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

2. Newly constructed buildings.

A. . All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building, as defined in San Bruno Code Section 11.06.020. A building required to be brought into conformity with standards for substantial improvement as defined in Section 201 of the 2022 California Building Code shall not be considered a newly constructed building for the purposes of San Bruno Code Section 11.06.

Exception 1: Non-residential buildings that will be constructed to Office of Statewide Health Planning and Development (OSHPD) Hospital

standards [“OSHPD 1” as described in California Building Code Vol. 1, section 1224] or Clinic standards [“OSHPD 3” as described in California Building Code Vol. 1, section 1226] may contain non-electric space-conditioning, water- heating, and process load systems.

Exception 2: Non-Residential Buildings containing a kitchen may contain non-electric cooking appliances, including but not limited to stoves, ovens, cooking ranges, and broilers.

Exception 3: All-Electric Building requirements shall not apply to development projects for which an application for a City development Planning Entitlement has been deemed approved no later than the effective date of this Ordinance, provided that such developments shall comply with any predecessor ordinance, resolution, or policy in effect on the date the application for the development was deemed complete.

Exception 4: All-Electric Building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for households earning 80% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.

Exception 5: All-Electric Building requirements shall not apply to Junior Accessory Dwelling Units, as defined by 12.90 of the San Bruno Zoning Ordinance, or to Junior Accessory Dwelling Units, as defined by Government Code Section 65852.22.

Exception 6: If an applicant maintains that circumstances exist that make it infeasible for their building to be an all-electric building, the applicant may request an exception in writing. In requesting an exception, the burden is on the applicant to identify why the requirements for an All-Electric Building are infeasible and must submit any information, as requested by the Building Official or their designee, substantiating the infeasibility. All costs associated with the City’s review of the infeasibility request will be charged to the applicant. The final determination of infeasibility shall be made by the Building Official or their designee. If the exception is granted, the Building Official or their designee shall document their findings in the files of the Building Division.

11.06.040 Section 100.1 (b) of The Energy Code Amended:

Section 100.1(b) of the Energy Code is amended to add definitions for “All-Electric Building”, and “Scientific Laboratory Area” to read as follows:

ALL-ELECTRIC BUILDING is a building that has no natural gas or propane plumbing installed within the building and that uses electricity as the source of energy for its space-conditioning, water-heating (including pools and spas), cooking appliances, and clothes drying appliances. All-Electric Buildings may include solar thermal pool heating.

11.06.050 Section 110.2 of The Energy Code Amended:

Certification by manufacturers. Any space-conditioning equipment listed in this section that meets the requirements of section 100.0(e) 2A may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

11.06.060 Section 110.3(a) of The Energy Code Amended:

(a) Certification by Manufacturers. Any service water-heating system or equipment that meets the requirements of section 100.0(e) 2A may be installed only if the manufacturer has certified that the system or equipment complies with all the requirements of this subsection for that system or equipment.

11.06.070 Section 110.4(a) of The Energy Code Amended:

(a) Certification by Manufacturers. Any pool or spa heating system or equipment that meets the requirements of section 100.0(e)2A may be installed only if the manufacturer has certified that the system or equipment has all of the following:

11.06.080 Section 110.5 of The Energy Code Amended:

Any natural gas system or equipment in a building listed below that falls within one of the exceptions to Section 100.0(e) 2A, as amended by this Code, may be installed only if it does not have a continuously burning pilot light:

(a) Fan-type central furnaces.

(b) Household cooking appliances.

Exception to Section 110.5(b): Household cooking appliances without an electrical supply voltage connection and in which each pilot consumes less than 150 Btu/hr.

(c) Pool heaters.

(d) Spa heaters.

(e) Indoor and outdoor fireplaces.

11.07 Adoption of the California Green Building Standards Code

Sections

11.07.030	Amendment to Section 202
11.07.040	Amendment to Section 4.106.4
11.07.050	Amendment to Section 4.106.4.1
11.07.060	Amendment to Section 4.106.4.2
11.07.070	Amendment to Section 5.106.5.3
11.07.080	Amendment to Section 5.106.5.4

11.07.030 Section 202 of The Green Building Standards Code Amended:

AFFORDABLE HOUSING: Residential buildings that consist entirely of housing that costs no more than thirty (30) percent of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and other related costs.

AUTOMATIC LOAD MANAGEMENT SYSTEMS (ALMS): A control system which allows multiple electric vehicle chargers or electric vehicle ready chargers to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS is only allowed for Level 2 Electrical Vehicle Charging Stations (EVCS), Level 2 EV Ready Spaces, and Level 1 EV Ready Spaces. ALMS systems must be designed to deliver at least 1.4kW to each EVCS, Level 2 EV Ready Spaces, and Level 1 EV Ready Spaces. The connected amperage on-site shall not be lower than the required connected

amperage per Part 11, 2019 California Green Building Code for the relevant building types.

ELECTRIC VEHICLE CHARGING STATION (EVCS): A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum output of thirty (30) amperes connected to a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

ELECTRIC VEHICLE (EV) CAPABLE: A parking space linked to a listed electrical panel with sufficient capacity to provide at least one hundred ten/one hundred twenty (110/120) volts and twenty (20) amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least one (1) inch in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

LEVEL 1 EV READY SPACE: A parking space served by a complete electric circuit with a minimum of 110/120 volt, twenty (20) ampere capacity including electrical panel capacity, overprotection device, a minimum one (1) inch diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a one half (1/2) inch font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

LEVEL 2 EV READY SPACE: A parking space served by a complete electric circuit with 208/240 volt, forty (40) ampere capacity including electrical panel capacity, overprotection device, a minimum one (1) inch diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a one half (1/2) inchfont adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of thirty (30) amperes.

11.07.040 Section 4.106.4 of The Green Building Standards Code Amended:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Section 4.106.4.1 or 4.106.4.2 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.

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible upon one 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 adversely impact the construction cost of the project.

EXCEPTION 2: Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.

11.07.050 Section 4.106.4.1 of The Green Building Standards Code Amended:

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a Level two (2) EV Ready Space and Level 1 EV Ready Space.

Exception: For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

4.106.4.1.1 Identification. The raceway termination location shall be permanently and visibly marked as "Electric Vehicle Outlet."

11.07.060 Section 4.106.4.2 of The Green Building Standards Code Amended:

4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code

Section 22511.2 for further details.

4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **EV Capable.** Thirty (30) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. 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 forty (40) amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the *California Electrical Code*.

EXCEPTION 1: When Level two (2) EVSE EV chargers are installed in a number equal to or greater than the required number of EV capable spaces.

EXCEPTION 2: When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

EXCEPTION 3: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready Spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least a Level 1 EV Ready Space.

Notes:

1. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.

2. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
3. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the City.
4. Installation of Level two (2) EV Ready Spaces above the minimum number required level may offset the minimum number Level one (1) EV Ready spaces required on a 1:1 basis.
5. The requirements apply to multifamily buildings, hotels, and motels with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
6. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for newly constructed multifamily dwellings, hotels, and motels are provided with Level 1 or Level 2 EV Ready Spaces.

2. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level two (2) EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

EXCEPTION: Areas of parking facilities served by parking lifts.

3. **EV Chargers.** Ten (10) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level two (2) EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of forty (40) amperes, and installed

EVSE shall have a capacity of not less than thirty (30) amperes.
ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. EV Capable. Thirty (30) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level two (2) EVSE. 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 forty (40) amperes.
The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the California Electrical Code

EXCEPTION: When Level two (2) EVSE EV chargers are installed in a number greater than five (5) percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the five (5) percent required.

Notes:

1. Construction documents shall show locations of future EV spaces.
2. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
3. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the City.

4. The requirements apply to multifamily buildings, hotels, and motels with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
5. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for newly constructed multifamily dwellings, hotels, and motels are provided with Level 1 or Level 2 EV Ready Spaces.
2. **EV Ready.** Twenty Five (25) percent of the total number of parking spaces shall be equipped with low power Level two (2) EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

EXCEPTION: Areas of parking facilities served by parking lifts.

3. **EV Chargers.** Ten (10) percent of the total number of parking spaces shall be equipped with Level two (2) EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level two (2) EV charging receptacles or Level two (2) EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of forty (40) amperes, and installed EVSE shall have a capacity of not less than thirty (30) amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

11.07.070 Section 5.106.5.3 of The Green Building Standards Code Amended:

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, the California Electrical Code and as follows:

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible 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 adversely impact the construction cost of the project.

EXCEPTION 2: Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

11.07.080 Section 5.106.5.4 of The Green Building Standards Code Amended:

5.106.5.4 Electric vehicle (EV) charging: medium-duty and heavy-duty.

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.

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible 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 adversely impact the construction cost of the project.

SECTION 3. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15273, that this ordinance is statutorily exempt from the requirements of the California Environmental Quality act (CEQA) in that these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon the later to occur of (a) January 1, 2023 or (b) approval by the California Building Standards Commission and California Energy Commission.

SECTION 6. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

**AMENDMENTS TO 2022 CALIFORNIA ENERGY CODE AND GREEN BUILDING
STANDARDS CODE**

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NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk