



**CALIFORNIA
ENERGY COMMISSION**



**California Energy Commission,
March 17, 2025, Business Meeting
Backup Materials for Agenda Item No: 03b
Local Ordinances for Contra Costa County, the City of Cupertino, and the City of
Burlingame**

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

1. Proposed Resolution, attached below.
2. Executive Director Recommendation Memorandum, attached below.

For the complete record, please visit: [Local Ordinance Applications Exceeding the 2022 Energy Code Docket Number 22-BSTD-07](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-07>.

To stay informed about this project and receive documents as they are filed, please subscribe to the Building Energy Efficiency Standards proceeding Topic, which can be accessed here: [California Natural Resources Agency \(govdelivery.com\)](https://public.govdelivery.com/accounts/CNRA/signup/31895) at <https://public.govdelivery.com/accounts/CNRA/signup/31895>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

Please note: The City of Burlingame's Ordinance No. 2032 application package is currently subject to a 15-day public review and comment period, which began on February 24, 2025, and concludes on March 11, 2025. Therefore, the Ordinance No. 2032 application package included as backup materials is subject to revisions resulting from consideration of public comment received up until March 11, 2025, and at the March 17, 2025, business meeting. If revisions are made to the Ordinance No. 2032 application package, the backup materials will be updated as soon as possible to reflect those changes, changes will be announced at the March 17 business meeting, or the item will be removed from the agenda and considered at a future business meeting.

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN THE CONTRA COSTA COUNTY ORDINANCE NO. 2024-17
SATISFY STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE
SECTION 25402.1(h)(2)**

WHEREAS, Contra Costa County adopted Ordinance No. 2024-17, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency and conservation standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, Contra Costa County submitted an application to the CEC that included: (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2024-17 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 2024-17 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards (Energy Code), as required by California Code of Regulations, Title 24, Part 1, section 10-106, on October 16, 2024; and

WHEREAS, Contra Costa County adopted a determination at a public meeting on October 1, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 2024-17 are cost effective; and

WHEREAS, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 2024-17 will require the diminution of energy

consumption levels compared to the 2022 Energy Code, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b)(4) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq.; and

WHEREAS, Contra Costa County, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

WHEREAS, The locally adopted energy efficiency and conservation standards application filed by Contra Costa County satisfies the requirements of California Code of Regulations, Title 24, Part 1, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) Contra Costa County has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2024-17 are cost-effective, and (2) Ordinance No. 2024-17 will require the diminution of energy consumption levels compared to the 2022 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that the CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on March 17, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: California Energy Commission

From: **Drew Bohan**
Executive Office
California Energy Commission
715 P Street
Sacramento, California 95814

Date: March 17, 2025

Subject: POSSIBLE FINDING THAT CONTRA COSTA COUNTY LOCAL BUILDING ENERGY CONSERVATION DESIGN STANDARDS CONTAINED IN ORDINANCE NO. 2024-17 SATISFY THE ELEMENTS OF PUBLIC RESOURCES CODE SECTION 25402.1(h)(2)

I. BACKGROUND

The California Energy Commission (CEC) adopts and regularly updates regulations that define a process for local governments to apply to the CEC to make certain findings regarding locally adopted energy efficiency or conservation design standard (California Code of Regulations (CCR), Title 24, Part 1, section 10-106 and section 10-110; Public Resources Code (PRC) section 25402.1(h)(2)). This process requires a local government to submit an application to the CEC. Before the local standard may be enforced, the CEC must make two findings pursuant to PRC section 25402.1(h)(2):

- 1) The proposed local standard will require the diminution of energy consumption levels compared to the 2022 Energy Code, and
- 2) The local jurisdiction has filed the basis of its cost-effectiveness determination with the CEC.

Pursuant to CCR, Title 24, Part 1, section 10-106 and section 10-110, the application must contain all of the following:

- 1) The proposed energy efficiency or conservation design standard;
- 2) The local governmental agency's energy-savings and cost-effectiveness findings, and supporting analyses;
- 3) A statement or finding by the local governmental agency that the local standard will require buildings to be designed to consume no more energy than permitted by the 2022 Energy Code; and
- 4) Any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act.

In reviewing the application, the CEC must find that the local standard contains all of the above and that the local governmental agency's governing body adopted its determination that the standards are cost-effective at a public meeting.

A. Summary of the Local Ordinance

Contra Costa County Ordinance No. 2024-17 specifies:

- Additional electric readiness requirements for nonresidential buildings (hotels, offices, and retail).
- More stringent energy performance targets for all newly constructed buildings. For single-family buildings, an EDR margin of 9 points in CZ 3 and 11 points in CZ 12. For additional dwelling units, 0 points in CZ 3 and 6.6 points in CZ 12. For low-rise multifamily buildings, 10% in CZ 3 and 11% in CZ 12. For high-rise multifamily buildings, 4% in both CZ 3 and CZ 12. For nonresidential buildings (hotels, offices, and retail), 5% in CZ 3 and 4% in CZ 12.

II. STAFF EVALUATION

On January 28, 2025, staff posted the complete application, including the local ordinance and adopted cost-effectiveness analysis, on the CEC's website under Docket 22-BSTD-07 for a mandatory public review period.

Staff reviewed the application to determine whether the ordinance contains energy efficiency or conservation design standards and whether said standards will diminish energy consumption levels permitted by the 2022 Energy Code, per the requirements in PRC section 25402.1(h)(2). Staff found that the ordinance does contain one or more energy efficiency or conservation design standards, which are discussed below, that will reduce the amount of energy consumed and will not lead to increases in energy consumption inconsistent with state law¹.

Contra Costa County's requirements contained within Section 74-4.010 of the ordinance diminish the consumption of energy resources by the efficiency measures required in the section above, "Summary of the Local Ordinance."

Staff further confirmed that Contra Costa County publicly adopted and filed with the CEC a finding of cost-effectiveness for the standards. More information about the anticipated energy efficiency and conservation effects of the ordinance can be found in the cost-effectiveness analysis submitted by Contra Costa County.

A. Staff Position

Staff has found that the application meets all requirements under PRC section 25402.1(h)(2), and section 10-106 of the 2022 Energy Code.

Contra Costa County has been informed that once the CEC makes the requisite findings, its

¹ Staff notes that its analysis is limited to the ordinance's requirements that staff determined to be conservation design standards subject to the requirements in PRC section 25402.1(h)(2).

energy efficiency or conservation design standards will be enforceable. If the statewide Energy Code is subsequently revised (as it is regularly done on a three-year cycle), the standards may no longer be enforceable if the revisions create “a substantial change in the factual circumstances affecting the determination.” In such a case, if Contra Costa County wishes to enforce either these or other local energy efficiency or conservation design standards revised in response to the updated statewide Energy Code, Contra Costa County may be required to submit a new application.

B. Oral Presentation Outline

If needed, staff will be available at the March 17, 2025, business meeting to provide a brief summary of the ordinance and to answer questions.

C. Business Meeting Participant(s)

Anushka Raut (Project Manager), Building Standards Branch

III. RECOMMENDATION OF THE EXECUTIVE DIRECTOR

Pursuant to PRC section 25402.1(h)(2) and based upon staff’s review and validation of the application submitted by Contra Costa County, I recommend that the CEC confirm the following findings regarding Contra Costa County’s locally adopted energy standards:

- (1) Contra Costa County’s locally adopted energy standards will result in the diminution of energy consumption levels compared to the 2022 Energy Code; and
- (2) Contra Costa County has filed the basis of its cost-effectiveness determination with the CEC.

Drew Bohan
Executive Director
California Energy Commission

Date

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN THE CITY OF CUPERTINO ORDINANCE NO. 24-2265 SATISFY
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION
25402.1(h)(2)

WHEREAS, The City of Cupertino adopted Ordinance No. 24-2265, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency and conservation standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The City of Cupertino submitted an application to the CEC that included: (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards (Energy Code), as required by California Code of Regulations, Title 24, Part 1, section 10-106, on December 17, 2024; and

WHEREAS, The City of Cupertino adopted a determination at a public meeting on October 1, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 are cost effective; and

WHEREAS, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 will require the diminution of energy

consumption levels compared to the 2022 Energy Code, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b)(4) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq.; and

WHEREAS, The City of Cupertino, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

WHEREAS, The locally adopted energy efficiency and conservation standards application filed by the City of Cupertino satisfies the requirements of California Code of Regulations, Title 24, Part 1, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) The City of Cupertino has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 24-2265 are cost-effective, and (2) Ordinance No. 24-2265 will require the diminution of energy consumption levels compared to the 2022 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that the CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on March 17, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: California Energy Commission

From: **Drew Bohan**
Executive Office
California Energy Commission
715 P Street
Sacramento, California 95814

Date: March 17, 2025

Subject: POSSIBLE FINDING THAT THE CITY OF CUPERTINO LOCAL BUILDING ENERGY CONSERVATION DESIGN STANDARDS CONTAINED IN ORDINANCE NO. 24-2265 SATISFY THE ELEMENTS OF PUBLIC RESOURCES CODE SECTION 25402.1(h)(2)

I. BACKGROUND

The California Energy Commission (CEC) adopts and regularly updates regulations that define a process for local governments to apply to the CEC to make certain findings regarding locally adopted energy efficiency or conservation design standard (California Code of Regulations (CCR), Title 24, Part 1, section 10-106 and section 10-110; Public Resources Code (PRC) section 25402.1(h)(2)). This process requires a local government to submit an application to the CEC. Before the local standard may be enforced, the CEC must make two findings pursuant to PRC section 25402.1(h)(2):

- 1) The proposed local standard will require the diminution of energy consumption levels compared to the 2022 Energy Code, and
- 2) The local jurisdiction has filed the basis of its cost-effectiveness determination with the CEC.

Pursuant to CCR, Title 24, Part 1, section 10-106 and section 10-110, the application must contain all of the following:

- 1) The proposed energy efficiency or conservation design standard;
- 2) The local governmental agency's energy-savings and cost-effectiveness findings, and supporting analyses;
- 3) A statement or finding by the local governmental agency that the local standard will require buildings to be designed to consume no more energy than permitted by the Energy Code; and
- 4) Any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act.

In reviewing the application, the CEC must find that the local standard contains all of the above and that the local governmental agency's governing body adopted its determination that the standards are cost-effective at a public meeting.

A. Summary of the Local Ordinance

The City of Cupertino Ordinance No. 24-2265 specifies:

- Additional electric readiness requirements for single-family, multifamily residential, and nonresidential buildings.
- Heating, ventilation, and air conditioning (HVAC) hot water temperature requirements for nonresidential buildings. Zones that use hot water for space heating shall be designed for a hot water supply temperature of no greater than 130°F.
- More stringent energy performance targets for all newly constructed buildings. For single-family buildings, an EDR1 margin of 9 points, with exceptions for buildings under 1,500 sq. ft. (4 points) and buildings under 625 sq. ft. (0-4 points). For nonresidential buildings, the target is 10%. For low-rise multifamily buildings, the target is 9%, and for high-rise multifamily buildings, the target is 1%.

II. STAFF EVALUATION

On February 19, 2025, staff posted the complete application, including the local ordinance and adopted cost-effectiveness analysis, on the CEC's website under Docket 22-BSTD-07 for a mandatory public review period.

Staff reviewed the application to determine whether the ordinance contains energy efficiency or conservation design standards and whether said standards will diminish energy consumption levels permitted by the 2022 Energy Code, per the requirements in PRC section 25402.1(h)(2). Staff found that the ordinance does contain one or more energy efficiency or conservation design standards, which are discussed below, that will reduce the amount of energy consumed and will not lead to increases in energy consumption inconsistent with state law¹

The City of Cupertino's requirements contained within Chapter 16.54, Section 16.54.010 and Section 16.54.020 of the ordinance diminish the consumption of energy resources by the efficiency measures required in the section above, "Summary of the Local Ordinance."

Staff further confirmed that the City of Cupertino publicly adopted and filed with the CEC a finding of cost-effectiveness for the standards. More information about the anticipated energy efficiency and conservation effects of the ordinance can be found in the cost-effectiveness analysis submitted by the City of Cupertino.

A. Staff Position

Staff has found that the application meets all requirements under PRC section 25402.1(h)(2),

¹Staff notes that its analysis is limited to the ordinance's requirements that staff determined to be conservation design standards subject to the requirements in PRC section 25402.1(h)(2).

and section 10-106 of the 2022 Energy Code.

The City of Cupertino has been informed that once the CEC makes the requisite findings, its energy efficiency or conservation design standards will be enforceable. If the statewide Energy Code is subsequently revised (as it is regularly done on a three-year cycle), the standards may no longer be enforceable if the revisions create “a substantial change in the factual circumstances affecting the determination.” In such a case, if the City of Cupertino wishes to enforce either these or other local energy efficiency or conservation design standards revised in response to the updated statewide Energy Code, the City of Cupertino may be required to submit a new application.

B. Oral Presentation Outline

If needed, staff will be available at the March 17, 2025, business meeting to provide a brief summary of the ordinance and to answer questions.

C. Business Meeting Participant(s)

Anushka Raut (Project Manager), Building Standards Branch

III. RECOMMENDATION OF THE EXECUTIVE DIRECTOR

Pursuant to PRC section 25402.1(h)(2) and based upon staff’s review and validation of the application submitted by the City of Cupertino, I recommend that the CEC confirm the following findings regarding the City of Cupertino’s locally adopted energy standards:

- (1) The City of Cupertino’s locally adopted energy standards will result in the diminution of energy consumption levels compared to the 2022 Energy Code; and
- (2) The City of Cupertino has filed the basis of its cost-effectiveness determination with the CEC.

Drew Bohan
Executive Director
California Energy Commission

Date

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN THE CITY OF BURLINGAME ORDINANCE NO. 2032 SATISFY
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION
25402.1(h)(2)

WHEREAS, The City of Burlingame adopted Ordinance No. 2032, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency and conservation standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The City of Burlingame submitted an application to the CEC that included: (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2032 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 2032 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards (Energy Code), as required by California Code of Regulations, Title 24, Part 1, section 10-106, on December 17, 2024; and

WHEREAS, The City of Burlingame adopted a determination at a public meeting on November 04, 2024, that the locally adopted energy efficiency standards contained in Ordinance No. 2032 are cost effective; and

WHEREAS, CEC staff has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 2032 will require the diminution of energy

consumption levels compared to the 2022 Energy Code, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b)(4) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq.; and

WHEREAS, The City of Burlingame, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

WHEREAS, The locally adopted energy efficiency and conservation standards application filed by the City of Burlingame satisfies the requirements of California Code of Regulations, Title 24, Part 1, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) The City of Burlingame has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2032 are cost-effective, and (2) Ordinance No. 2032 will require the diminution of energy consumption levels compared to the 2022 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that the CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on March 17, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: California Energy Commission

From: **Drew Bohan**
Executive Office
California Energy Commission
715 P Street
Sacramento, California 95814

Date: March 17, 2025

Subject: POSSIBLE FINDING THAT THE CITY OF BURLINGAME LOCAL BUILDING ENERGY CONSERVATION DESIGN STANDARDS CONTAINED IN ORDINANCE NO. 2032 SATISFY THE ELEMENTS OF PUBLIC RESOURCES CODE SECTION 25402.1(h)(2)

I. BACKGROUND

The California Energy Commission (CEC) adopts and regularly updates regulations that define a process for local governments to apply to the CEC to make certain findings regarding locally adopted energy efficiency or conservation design standard (California Code of Regulations (CCR), Title 24, Part 1, section 10-106 and section 10-110; Public Resources Code (PRC) section 25402.1(h)(2)). This process requires a local government to submit an application to the CEC. Before the local standard may be enforced, the CEC must make two findings pursuant to PRC section 25402.1(h)(2):

- 1) The proposed local standard will require the diminution of energy consumption levels compared to the 2022 Energy Code, and
- 2) The local jurisdiction has filed the basis of its cost-effectiveness determination with the CEC.

Pursuant to CCR, Title 24, Part 1, section 10-106 and section 10-110, the application must contain all of the following:

- 1) The proposed energy efficiency or conservation design standard;
- 2) The local governmental agency's energy-savings and cost-effectiveness findings, and supporting analyses;
- 3) A statement or finding by the local governmental agency that the local standard will require buildings to be designed to consume no more energy than permitted by the Energy Code; and
- 4) Any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act.

In reviewing the application, the CEC must find that the local standard contains all of the above and that the local governmental agency's governing body adopted its determination that the standards are cost-effective at a public meeting.

A. Summary of the Local Ordinance

The City of Burlingame ordinance No. 2032 specifies:

- Additional electric readiness requirements for single-family residential, multifamily residential, and nonresidential buildings.
- Heating, ventilation, and air conditioning (HVAC) hot water temperature requirements for non-residential buildings. Zones that use hot water for space heating shall be designed for a hot water supply temperature of no greater than 130°F.
- More stringent energy performance targets for all newly constructed buildings. For single-family buildings, an EDR1 margin of 9 points, with exceptions for buildings under 1,500 sq. ft. (4 points) and buildings under 625 sq. ft. (0-4 points). For nonresidential buildings, the target is 7%. For low-rise multifamily buildings, the target is 10%, and for high-rise multifamily buildings, the target is 4%.

II. STAFF EVALUATION

On February 24, 2025, staff posted the complete application, including the local ordinance and adopted cost-effectiveness analysis, on the CEC's website under Docket 22-BSTD-07 for a mandatory public review period.

Staff reviewed the application to determine whether the ordinance contains energy efficiency or conservation design standards and whether said standards will diminish energy consumption levels permitted by the 2022 Energy Code, per the requirements in PRC section 25402.1(h)(2). Staff found that the ordinance does contain one or more energy efficiency or conservation design standards, which are discussed below, that will reduce the amount of energy consumed and will not lead to increases in energy consumption inconsistent with state law¹

The City of Burlingame's requirements contained within Chapter 18.31, Subchapter 3, 4, 5, 7, 8, 10, and 11 of the ordinance diminish the consumption of energy resources by the efficiency measures required in the section above, "Summary of the Local Ordinance."

Staff further confirmed that the City of Burlingame publicly adopted and filed with the CEC a finding of cost-effectiveness for the standards. More information about the anticipated energy efficiency and conservation effects of the ordinance can be found in the cost-effectiveness analysis submitted by the City of Burlingame.

A. Staff Position

Staff has found that the application meets all requirements under PRC section 25402.1(h)(2),

¹Staff notes that its analysis is limited to the ordinance's requirements that staff determined to be conservation design standards subject to the requirements in PRC section 25402.1(h)(2).

and section 10-106 of the 2022 Energy Code.

The City of Burlingame has been informed that once the CEC makes the requisite findings, its energy efficiency or conservation design standards will be enforceable. If the statewide Energy Code is subsequently revised (as it is regularly done on a three-year cycle), the standards may no longer be enforceable if the revisions create "a substantial change in the factual circumstances affecting the determination." In such a case, if the City of Burlingame wishes to enforce either these or other local energy efficiency or conservation design standards revised in response to the updated statewide Energy Code, the City of Burlingame may be required to submit a new application.

B. Oral Presentation Outline

If needed, staff will be available at the March 17, 2025, business meeting to provide a brief summary of the ordinance and to answer questions.

C. Business Meeting Participant(s)

Anushka Raut (Project Manager), Building Standards Branch

III. RECOMMENDATION OF THE EXECUTIVE DIRECTOR

Pursuant to PRC section 25402.1(h)(2) and based upon staff's review and validation of the application submitted by the City of Burlingame, I recommend that the CEC confirm the following findings regarding the City of Burlingame's locally adopted energy standards:

- (1) The City of Burlingame's locally adopted energy standards will result in the diminution of energy consumption levels compared to the 2022 Energy Code; and
- (2) The City of Burlingame has filed the basis of its cost-effectiveness determination with the CEC.

Drew Bohan
Executive Director
California Energy Commission

Date