



Staff Recommended Reach Codes Exemptions

ATTACHMENT 3

Staff Recommended Exemptions		
Exemption	Definition & Notes	Cities Adopted
1. Planning Entitlement	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.	Berkeley, Los Gatos, Milpitas, Palo Alto, Redwood City, San Jose
2. Non-Residential Building containing a commercial kitchen	Non-Residential Building containing a commercial kitchen may contain non-electric cooking appliances.	Brisbane, Burlingame, Campbell, Cupertino, Daly City, Hayward, Los Gatos, Menlo Park, Millbrae, Mountain View, Pacifica, Palo Alto, Redwood City, San Jose, San Mateo
3. Junior Accessory Dwelling Units (JADUs)	Junior Accessory Dwelling Units (JADUs) shall be exempt from the all-electric building provisions of this section.	Campbell, Cupertino, Daly City, Hayward, Pacifica, Palo Alto, Redwood City
4. Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards	Non-Residential Buildings that will be constructed per standards stipulated by the Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards. This includes any construction that may contain non-electric space-conditioning, water-heating systems, and process load systems.	Burlingame, Campbell, Daly City, Los Gatos, Millbrae, Palo Alto, Redwood City, San Jose, San Mateo



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5. Affordable Housing	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 persons earning 50% 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.	Daly City, Redwood City, San Jose
6. Technical Infeasibility	Technical Infeasibility exemption in the Energy Code amendments for unusual circumstances where an applicant can show that due to exceptional characteristics of the structure, property, or business involved, a literal enforcement of the code will result in practical infeasibility. If an applicant for a covered project believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption. In applying for an exemption, the burden is on the applicant to show infeasibility. Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The design professional shall submit findings to the building official demonstrating a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the building division.	Berkeley, Burlingame, Cupertino, Daly City, Hayward, Los Gatos, Morgan Hill, Redwood City