Montgomery County Building Energy Performance Standards

Technical Guidance: Energy Performance Requirements

Last Updated: September 2025

Introduction

In December 2017, Montgomery County declared a climate emergency and accelerated community-wide climate goals to eliminate greenhouse gas (GHG) emissions by 2035. The residential and commercial building sectors combined contribute 50% of GHG emissions in Montgomery County. The County is implementing a variety of programs and policies to mitigate emissions in new and existing buildings, including a Building Energy Performance Standard (BEPS) for existing commercial and multifamily buildings.

Bill 16-21 - Environmental Sustainability - Building Energy Use Benchmarking and Performance Standards – Amendments (the "Benchmarking and Performance Standards Law") was signed into law on May 2, 2022 and became effective August 1, 2022. Montgomery County's Department of Environmental Protection (DEP) is tasked with implementing the law.

The Law amended the County's existing energy benchmarking law to cover additional properties under the benchmarking requirement and to establish a framework for Building Energy Performance Standards that these covered buildings must meet over time. The law also required DEP to issue regulations guiding BEPS implementation.

After a series of listening sessions at the Montgomery County Council's Transportation & Environment Committee, the BEPS regulations, Executive Regulation 17-23AM, Building Energy Performance Standards, were approved by the full County Council on February 25, 2025.

Below is detailed guidance about performance requirements in accordance with the law and regulations. For additional details about energy benchmarking guidance and building performance improvement plans, reference DEP's other technical resources.

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Overview

Following the initial benchmarking and baselining period, buildings enter the Building Energy Performance Standards phase of compliance. Each building receives a custom baseline based on its own historical energy use. Each building is assigned a final site energy use intensity (site EUI[1]) performance standard based on the building type(s) to reach by the building's final BEPS deadline. Buildings are also evaluated at an interim deadline as to whether they are on track to meet their final standards. The interim target is halfway between the baseline and final standard.

Buildings continue to benchmark and report data to DEP each year. Based on the benchmarking data reported to DEP, performance is evaluated at the end of the calendar year of the interim and final BEPS periods.

Timing Summary

Each covered building group is subject to the following BEPS timelines:

Group	Description	Performance Baseline Period (calendar years)	Interim BEPS Deadline	Final BEPS Deadline
County	County-owned buildings 50k+ gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 1	Non-residential buildings 250k+ gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 2	Non-residential buildings 25k-250k gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 3	Commercial buildings 25k-50k gsf; County-owned buildings 25k-50k gsf; Previously exempted buildings 25k+ gsf	2022 - 2024	Dec 31, 2030	Dec 31, 2035
Group 4	Multifamily buildings 250k + gsf	2022 - 2024	Dec 31, 2030	Dec 31, 2035
Group 5	Multifamily buildings 25k-250k gsf	2023 - 2025	Dec 31, 2031	Dec 31, 2036

BEPS Timeline for Newly Constructed Buildings

First Benchmarking Deadline: Following the first full calendar year that energy data can be collected and that the building was occupied, on average, by at least one full-time-equivalent occupant (40 person-hours per week) exclusive of security guards, janitors, construction workers, landscapers, and other maintenance personnel throughout the calendar year being reported, the owner of any newly constructed covered building must benchmark the building and report to the Department no later than June 1 of that following year, and every June 1 thereafter.

Compliance Group: Newly constructed buildings are added to a coverage group (County, Group 1, Group 2, Group 3, Group 4, or Group 5) based on gross floor area and building type.

[1] *Site energy use intensity* or *site EUI* represents the energy consumed by a covered building relative to its size in terms of energy used per gross square foot (GSF) per year.

Baseline: Average of the 2 complete years with the highest normalized net site EUI over the first 3 years of benchmarking reporting.

Performance Standard: The interim performance standard is evaluated with the interim standard of the building's coverage group following creation of the performance baseline. The final performance standard is evaluated with the final performance standard of the building's coverage group, if the performance baseline is created before the final performance standard.

Example: A 100,000 square foot office building was constructed and received its use and occupancy permit in September, 2025. Occupants move in in late 2025. 2026 is the first full calendar year that the building is occupied and that energy data can be collected.

The building reports calendar year 2026 benchmarking data by June 1, 2027. As a 100,000 square foot, non-residential building, the building is part of Group 2. The building's baseline averages the two highest site EUIs over the first three years of benchmarking (CY 2026, CY 2027, and CY 2028). As a Group 2 building, this property would normally need to meet the interim deadline as of 12/31/2028. However, since the building had not yet completed its baseline period, the building is only held to the final BEPS deadline at the end of 2033:

Compliance Group	First benchmarking period	First benchmarking deadline	Performance Baseline Period (calendar years)	Interim BEPS Deadline	Final BEPS Deadline
Group 2	2026	June 1, 2027	2026 - 2028	n/a	Dec 31, 2033

Performance Baselines

Buildings first benchmark for a minimum of 3 years to receive a performance baseline before being phased into the BEPS requirements. The performance baseline is unique to each building and is calculated by taking the average of the two complete years with the highest normalized net site EUI out of the baseline period.

The performance baseline becomes each building's "starting point" and is the basis for calculating the interim standard, which is halfway between the baseline and the final performance standard.

Each building group's baseline period is listed below, except as described for newly constructed covered buildings:

Compliance Group	Performance Baseline Period (calendar years)
County: County-owned buildings 50k+ gsf	2018 - 2022
Group 1: Non-Residential 250k+ gsf	2018 - 2022
Group 2: Non-Residential 50-250k gsf	2018 - 2022
Group 3: County & Non-Residential 25-50k, previously exempted	2022 - 2024
Group 4: Multifamily >250k gsf	2022 - 2024
Group 5: Multifamily 25-250k gsf	2023 - 2025

DEP may exercise discretion in determining whether benchmarking data are eligible for use in creation of the baseline. For instance, if a reporter had not addressed the data quality issues that were surfaced at the time of reporting and the report remains in "pending revisions" status, that benchmarking report will be deemed unsuitable for use in calculating the baseline. Building owners are encouraged to resolve and resubmit or explain data quality issues to allow DEP to move the benchmarking reports into compliance to facilitate a more accurate baseline.

Building owners may view their baseline data and performance baseline EUI at https://target-finder.mcbeps.org/. Note that the baselines displayed on this page are based on available data but will not be final until the end of the building's baseline period.

Unique Cases:

No baseline data available due to failure to benchmark as required: DEP will assign a building type based on available records such as property tax records and will assign a baseline based on the median baseline of that building type. The baseline will be updated if or when a compliant benchmarking report is submitted.

No baseline data available due because all reports are "pending revisions:" DEP will assign a baseline based on the median baseline of the building's reported primary property type. The baseline will be updated to use any in compliance reports if received.

Only one year of data available over the baseline period: The baseline will be set equal to performance during the one year reported during the baseline period, rather than averaging the two highest periods.

No baseline data due to approved waivers throughout the baseline period: The baseline will remain as "TBD" until the building no longer qualifies for a waiver.

Interim Performance Standards

Each covered building must demonstrate progress towards the final performance standard by complying with interim standard according to these deadlines, except as described for newly constructed covered buildings:

Compliance Group	Performance Baseline Period (CY)	Interim Performance Standard Deadline
County: County-owned buildings 50k+ gsf	2018 - 2022	December 31, 2028
Group 1: Non-Residential 250k+ gsf	2018 - 2022	December 31, 2028
Group 2: Non-Residential 50-250k gsf	2018 - 2022	December 31, 2028
Group 3: County & Non-Residential 25-50k, previously exempted 25k+	2022 - 2024	December 31, 2031
Group 4: Multifamily >250k gsf	2022 - 2024	December 31, 2031
Group 5: Multifamily 25-250k gsf	2023 - 2025	December 31, 2032

Compliance with the interim performance standard is evaluated with the benchmarking report submitted for the previous calendar year. For instance, Group 1 buildings will have their interim performance standard evaluated on the calendar year 2028 benchmarking data reported by June 1, 2029.

The interim standard is halfway between the building's performance baseline and final performance standard.

Each building's interim standard is available at https://target-finder.mcbeps.org/. Note that the interim standards displayed on this page are based on available data but will not be final until the end of the building's baseline period.

Final Building Energy Performance Standards

Each covered building must meet the final performance standards according to these deadlines:

Compliance Group	Performance Baseline (CY)	Interim BEPS Deadline	Final BEPS Deadline
County: County-owned buildings 50k+ gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 1: Non-Residential 250k+ gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 2: Non-Residential 50-250k gsf	2018 - 2022	Dec 31, 2028	Dec 31, 2033
Group 3: County & Non-Residential 25-50k, previously-exempted 25k+	2022 - 2024	Dec 31, 2030	Dec 31, 2035
Group 4: Multifamily >250k gsf	2022 - 2024	Dec 31, 2030	Dec 31, 2035
Group 5: Multifamily 25-250k gsf	2023 - 2025	Dec 31, 2031	Dec 31, 2036

Compliance with the final performance standard is evaluated with the benchmarking report submitted for the previous calendar year. For instance, Group 1 buildings will have their final performance standard evaluated on the calendar year 2033 benchmarking data reported by June 1, 2034.

Determination of Final Performance Standard for an Individual Covered Building

Standards are set for site energy use intensity (EUI). A final EUI standard has been set for each property type. See Appendix A for final performance standards for each building type.

Standards for Buildings with One Building Type

If a covered building consists of one building type, then its final performance standard is the final site EUI standard for that building type. For example, if a covered building is an office building, then its final site EUI performance standard is that of the "Office" building type, a site EUI of 55.

Standards for Mixed-Use Buildings

DEP will calculate an area-weighted final performance standard for mixed-use covered buildings based on the gross floor area of each property type reported in the benchmarking tool, excluding parking, and each building type's final performance standard. The following formula illustrates this calculation:

$$\mathrm{EUI}_{\mathrm{AW}} = \frac{[(GFA_1 \; x \; EUI_1)+(GFA_2 \; x \; EUI_2)+\ldots+(GFA_n \; x \; EUI_n)]}{GFA_S}$$

Where:

$\mathrm{EUI}_{\mathrm{AW}}$ is the area-weighted final performance standard of the covered building
n = The total number of building types within the covered building
GFA_S is the sum of the gross floor area of all building types in the building
GFA_1 is the gross floor area of the largest building type within the covered building
GFA_2 is the gross floor area of the second largest building type within the covered building
GFA_n is the gross floor area of the nth largest building type within the covered building
EUI_1 is the final performance standard for the building type corresponding to GFA_1
EUI_2 is the final performance standard for the building type corresponding to GFA_2
EUI_n is the final performance standard for the building type corresponding to GFA_n

Although final site EUI targets are established per property type group in regulation, DEP will not be able to provide a unique area-weighted final site EUI standard for a mixed-use building until the building owner submits the first benchmarking report for the mixed-use building.

Because of this area-weighting, building owners must enter the property use and square footage for all major uses in the building rather than simply choosing "Mixed Use Property" or "Other" as the property type in Portfolio Manager. Refer to the Benchmarking How-To Guide for more details.

For any additional adjustments to final performance standards for covered buildings, DEP will follow current or successor benchmarking tool guidance and update the DEP's Building Energy Performance Standards website.

Final performance standards are calculated based on the covered building's most recent benchmarking submission. If a building's type changes from the prior benchmarking submission, then DEP will calculate updated standards to align with the updated floor area breakdown. The interim and

final standards will both be recalculated to account for changes to property types in the building. DEP may request additional documentation to substantiate changes to property types reported in the building.

Buildings with Heated Swimming Pools

Buildings with heated swimming pools that are not separately metered or sub-metered and unable to be excluded from the benchmarking report must report the number and type of pools present in the building.

Based on the swimming pool information entered into the benchmarking tool, the tool calculates Heated Swimming Pool - Portfolio Manager-Estimated Site Energy[2] in kBtu.

DEP then calculates the pool-adjusted final performance standard using the following formulas:

For covered buildings that consist of one building type:

$$\text{Pool-adjusted final performance standard} = \frac{[(Final\ performance\ standard\ x\ Building\ GFA)+(pool\ kBtu\ adjustment)]}{Building\ GFA}$$

For mixed-use covered buildings that have an area-weighted final performance standard:

$$\text{Pool-adjusted final performance standard} = \frac{[(Area\ weighted\ final\ performance\ standard\ x\ Building\ GFA)+(pool\ kBtu\ adjustment)]}{Building\ GFA}$$

The pool adjustment is automatically reflected in each covered building's final performance standard as displayed at https://target-finder.mcbeps.org/ if heated swimming pools are reported as a property use type in the benchmarking tool.

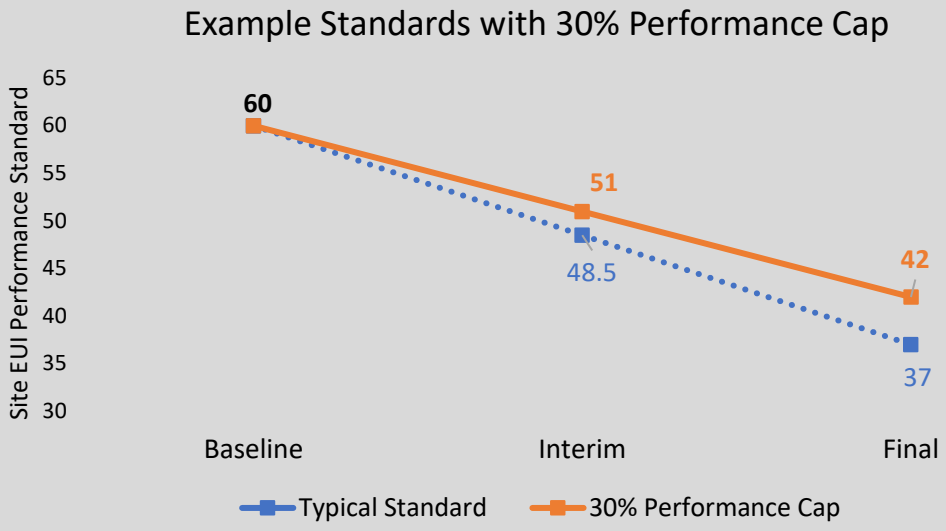
Performance Cap for Buildings More than 30% From Their Final Standard

A building's final performance standard will not require a reduction of greater than 30% from the building's performance baseline.

[2] Additional details about how Portfolio Manager calculates the estimated annual heating swimming pool site energy use can be found in the Portfolio Manager Technical Reference: Swimming Pools and the ENERGY STAR Score in the United States and Canada.

Buildings with a performance baseline that is more than 30% from the final standard, as calculated above, will instead receive a final performance standard that is a 30% reduction from the performance baseline.

Example: A multifamily building with a baseline EUI of 60 would typically have a final standard of 37 and an interim standard of 48.5. With a 30% performance cap, its final standard is 42 and its interim standard is 51.



Building owners do not need to take additional action to receive the 30% performance cap. DEP will apply this methodology to buildings where this scenario applies. Each building's final standard is available at https://target-finder.mcbeps.org/.

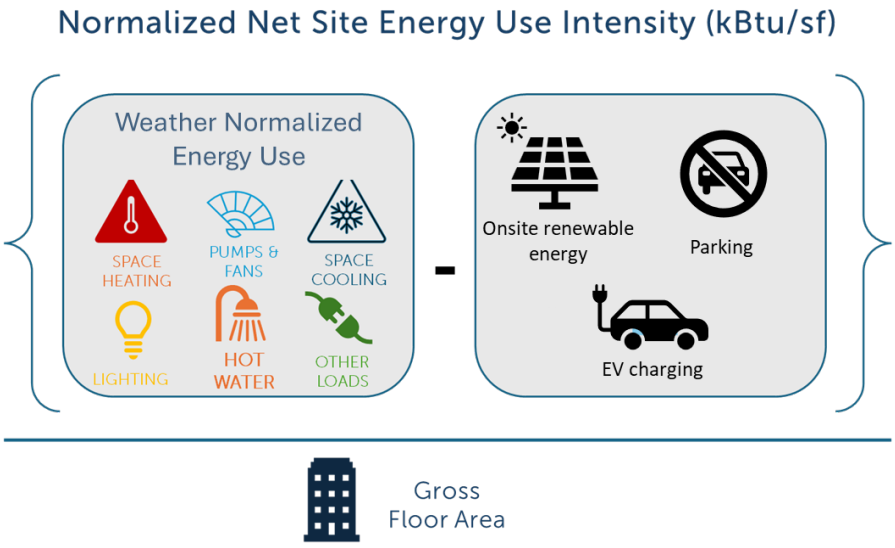
Demonstration of Compliance with Performance Standards

Covered buildings demonstrate compliance with the interim and final performance standards by reporting building energy benchmarking data to DEP using the benchmarking tool.

Normalized net site energy use intensity (NN site EUI) is the performance metric for gauging compliance with interim and final performance standards using the following formula:

$$\text{Normalized net site energy use intensity} = \frac{\text{(Normalized Site Energy Use – Renewable Energy Allowance)}}{\text{Gross Square Feet}}$$

The image below visualizes how normalized net site energy use intensity is calculated:



Normalized net site EUI is calculated by taking weather normalized energy use including all energy used in the building, minus onsite renewable energy, parking energy use, and EV charging energy use, divided by gross floor area.

There are three steps that DEP takes in calculating normalized net site energy use intensity:

1. Calculating Normalized Site Energy Use

Each building's normalized site energy use is normalized for weather and accounts for energy consumption from parking or electric vehicle (EV) charging stations by subtracting the estimated annual parking and EV charging site energy use from the weather-normalized site energy use, as applicable.

Weather Normalized Site Energy Use

Weather normalized site energy use is obtained from annual benchmarking reports and reflects the total energy used on-site at the building (in kBtu), normalized for weather[3]. Weather normalized energy is the energy a building would have used under average conditions. The weather in a given year may be much hotter or colder than the building's normal climate; weather-normalized energy accounts for this difference.

The benchmarking tool cannot calculate weather normalized site energy use for some buildings, such as when delivered fuels are present or when utility bill entries spanning more than 65 days are reported. In these cases, DEP uses site energy use (not normalized for weather) in calculating the performance metric.

Parking

Buildings with parking that is not separately metered or sub-metered and is unable to be excluded from the benchmarking report should report the parking gross floor area for each parking type (open parking lot, partially enclosed, and/or fully enclosed).

Based on the parking information entered into the benchmarking tool, the tool calculates Parking -

[3] Additional details about how the benchmarking tool calculates weather normalized site energy use can be found in the Portfolio Manager Technical Reference: Climate and Weather.

Portfolio Manager-Estimated Site Energy in kBtu[4].

DEP then calculates a parking adjusted normalized site energy use by subtracting the Parking-Portfolio Manager-Estimated Site Energy kBtu amount from the weather normalized site energy use.

The formula to apply the parking adjustment is:

$$Parking\ adjusted\ normalized\ site\ energy\ use = Normalized\ site\ energy\ use - parking\ kBtu\ adjustment$$

The parking adjustment is reflected in each building's annual normalized net site EUI as displayed at https://mcbeps.org/ if parking is reported as a property use type in the benchmarking tool.

Electric Vehicle (EV) Charging Station

Buildings with EV charging stations that are not separately metered or sub-metered and unable to be excluded from the benchmarking report should report the number and type (Level one, Level two, and/or Level 3/Fast Charging) of EV charging stations at the property.

Based on the EV charging information entered into the benchmarking tool, the tool calculates an Electric Vehicle Charging Station - Portfolio Manager-Estimated Site Energy (in kBtu)[5].

DEP then calculates an EV charging station adjusted normalized site energy use by subtracting the Electric Vehicle Charging Station - Portfolio Manager-Estimated Site Energy kBtu amount from the weather normalized site energy use.

The formula to apply the EV charging adjustment is:

> *Electric vehicle charging station adjusted normalized site energy use = Normalized site energy use – electric vehicle charging station kBtu adjustment*

The EV charging adjustment is automatically reflected in each building's annual normalized net site EUI as displayed at https://mcbeps.org/ if EV charging is reported as a property use type in the benchmarking tool.

2. Calculating Normalized Net Site Energy Use

DEP subtracts the renewable energy allowance (in kBtu) from the building's normalized site energy use to arrive at normalized net site energy use.

Renewable Energy Allowance

The renewable energy allowance credits all electricity use generated from onsite renewable energy systems, whether used on site or exported back to the grid, and regardless of REC retention.

Owners of covered buildings must follow the guidance of the benchmarking tool to benchmark and report renewable energy. To receive a renewable energy allowance, inputs must include:

1. grid energy sent to the building;
2. total renewable energy generated on site;
3. renewable energy used on site; and

[4] Additional details about how the benchmarking tool calculates the estimated annual parking site energy use can be found in the Portfolio Manager Technical Reference: Parking and the ENERGY STAR Score in the United States and Canada. Portfolio Manager's calculations are currently based on Figure 1B – 2018 Adjustments by Parking Type in Site Energy.

[5] Additional details about how the benchmarking tool calculates the estimated annual EV charging station energy use can be found in the Portfolio Manager Technical Reference: EV Charging.

4. any renewable energy generated on site and exported back to the grid.

Entering net-grid delivered electricity alone is not sufficient for energy benchmarking or to calculate a renewable energy allowance. Data verification must include verification of any renewable energy inputs.

The renewable energy allowance is automatically reflected in each building's annual normalized net site EUI as displayed at https://mcbeps.org/ if onsite renewable energy is reported in the benchmarking tool.

3. Calculating Normalized Net Site Energy Use Intensity (NN Site EUI)

Normalized net site energy use (in kBtu) is then divided by the building's gross floor area to calculate normalized net site energy use intensity (normalized net site energy use in kBtu per gross square foot).

This number becomes the basis of comparison to determine whether the building has met its interim or final performance standard.

If the covered building's NN site EUI is at or below the building's interim or final performance standard by the interim or final performance standard deadline, the building has met its performance requirement and is in compliance with BEPS.

Conclusion

Successful implementation of BEPS will require ongoing collaboration, transparency, and data-driven decision-making. Benchmarking accurately is critical to each building receiving a representative baseline, interim, and final performance standard and to allowing DEP to assess each building's performance relative to the standards at the building's interim and final standard deadlines.

Appendix A: Final Site Energy Use Intensity Performance Standards

If additional building types are created or changed in the benchmarking tool, DEP must set performance standards for those buildings based on best available local and national data. See the list of performance standards for each building type below and at https://www.montgomerycountymd.gov/DEP/energy/commercial/final-performance-standards.html.

Building Type	Final Performance Standard (kBtu/sq.ft.)
Adult Education	46
Ambulatory Surgical Center	63
Aquarium	145
Automobile/Vehicle Dealership	61
Bank Branch	85
Bar/Nightclub	220
Barracks	38
Bowling Alley	84
Casino	75
College/University	57
Convenience Store with Gas Station	137
Convenience Store without Gas Station	137
Convention Center	40
Courthouse	47
Data Center	206
Distribution Center	19
Enclosed Mall	44
Fast Food Restaurant	220
Financial Office	58
Fire Station	47
Fitness Center/Health Club/Gym	69
Food Sales	137
Food Service	220
Hospital (General Medical & Surgical)	173
Hotel	60
Ice/Curling Rink	84
Indoor Arena	75
K-12 School	38
Laboratory	212
Library	55
Lifestyle Center	121
Mailing Center/Post Office	48

Building Type	Final Performance Standard (kBtu/sq.ft.)
Manufacturing/Industrial Plant	95
Medical Office	70
Mixed Use Property	See Standards for Mixed-Use Buildings
Movie Theater	57
Multifamily Housing	37
Museum	40
Non-Refrigerated Warehouse	30
Office	55
Other - Education	45
Other - Entertainment/Public Assembly	48
Other - Lodging/Residential	37
Other - Office	55
Other - Public Service	61
Other - Recreation	78
Other - Restaurant/Bar	219
Other - Retail/Mall	81
Other - Services	51
Other - Specialty Hospital	165
Other - Stadium	23
Other - Technology/Science	183
Outpatient Rehabilitation/Physical Therapy	63
Performing Arts	90
Personal Services (Health/Beauty, Dry Cleaning, etc.)	47
Police Station	54
Pre-school/Daycare	48
Prison/Incarceration	38
Race Track	75
Refrigerated Warehouse	38
Repair Services (Vehicle, Shoe, Locksmith, etc.)	52
Residence Hall/Dormitory	38
Residential Care Facility	69
Restaurant	219
Retail Store	48
Roller Rink	84
Self-Storage Facility	7
Senior Living Community	50
Social/Meeting Hall	39

Building Type	Final Performance Standard (kBtu/sq.ft.)
Stadium (Closed)	23
Stadium (Open)	21
Strip Mall	58
Supermarket/Grocery Store	137
Transportation Terminal/Station	56
Urgent Care/Clinic/Other Outpatient	66
Veterinary Office	63
Vocational School	46
Wholesale Club/Supercenter	48
Worship Facility	32
Zoo	75

Glossary

Area-weighted final performance standard means a final performance standard that is calculated based on the floor area proportion of each building type within a covered building, as reported in the benchmarking tool.

Benchmark means to track and input a building's energy consumption data and other relevant building information for 12 consecutive months, as required by the benchmarking tool, to quantify the building's energy use.

Benchmarking tool means the website-based software, commonly known as ENERGY STAR Portfolio Manager, or any successor system, approved by the United States Environmental Protection Agency to track and assess the relative energy use of buildings nationwide.

Building means:

any single structure utilized or intended for supporting or sheltering any occupancy, except if a single structure contains two or more individually metered units operating independently that have stand-alone heating, cooling, hot water, and other mechanical systems, and no shared interior common areas, or;

two or more structures utilized or intended for supporting or sheltering any occupancy, that:

(A) are serviced by a common energy meter;
(B) have a common heating or cooling system;
(C) share interior common areas; or
(D) whose configuration otherwise prevents an accurate determination of the energy consumption attributable to each individual structure.

Building energy performance standard means a policy that sets a minimum required level of energy performance for covered buildings.

Building type means a category of covered buildings subject to the same final performance standards.

Certificate of use and occupancy means the certificate issued by the Director that allows a building to be occupied and used.

County-owned covered building means a building owned by the County whose gross floor area equals or exceeds 25,000 square feet.

Covered building means a County-owned, Group 1, Group 2 Group 3, Group 4, or Group 5 covered building.

Department means the Department of Environmental Protection.

Director means the Director of the Department or the Director's designee.

Final performance standard means the numeric value of site EUI that each covered building must ultimately achieve.

Final performance standard deadline means the end of the calendar year used to compare each covered building's performance metric to its final performance standard as defined in Section 18A-42(d)(3) of the County Code

Gross floor area means the total building square footage measured between the principal exterior surfaces of the enclosing fixed walls of a building. *Gross floor area* consists of all areas inside the building, including lobbies, tenant areas, common areas, meeting rooms, break rooms, the base level of atriums, restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, and storage rooms. *Gross floor area* does not include exterior spaces, balconies, patios, exterior loading docks, driveways, covered walkways, outdoor play courts (e.g., tennis, basketball), parking, the interstitial space between floors (which house pipes and ventilation), and crawl spaces. *Gross floor area* is not the same as rentable space, but rather includes all areas inside the building(s).

Group 1 covered building means a privately owned nonresidential covered building whose gross floor area equals or exceeds 250,000 square feet.

Group 2 covered building means a privately owned nonresidential covered building whose gross floor area equals or exceeds 50,000 square feet but is less than 250,000 square feet.

Group 3 covered building means:

(1) a privately owned nonresidential covered building whose gross floor area equals or exceeds 25,000 square feet but is less than 50,000 square feet, or

(2) a privately owned nonresidential covered building whose gross floor area equals or exceeds 50,000 square feet and whose use type was previously exempted under this Article.

Group 4 covered building means a privately owned multifamily residential or mixed-use covered building whose gross floor area equals or exceeds 250,000 square feet.

Group 5 covered building means a privately owned multifamily residential or mixed-use building whose gross floor area equals or exceeds 25,000 square feet but is less than 250,000 square feet.

Interim performance standard means the numeric value of site EUI, halfway between the building's performance baseline and final standard, which covered buildings must achieve or exceed by a fixed date.

Interim performance standard deadline means the end of the calendar year used to compare each covered building's performance metric to its interim performance standard as defined in Section 18A-42(d)(3) of the County Code.

Interior common area means shared space within a building such as hallways, lobbies, stairwells, and other shared amenities (e.g., gyms, laundry rooms, party rooms).

kBtu means thousand British thermal units.

Mixed-use building means a building that contains two or more building types.

Net site EUI means site energy use minus energy generated from the renewable energy allowance divided by the total gross floor area of the building expressed in thousands of British thermal units per gross square feet (kBtu/GSF).

Newly constructed covered building means a covered building whose owner has completed construction, received a use and occupancy permit, and is able to begin benchmarking the building's energy use and other characteristics.

Normalized site energy use means the site energy use by the covered building normalized for weather and other characteristics within the limits of the capabilities of the benchmarking tool and normalized for other factors as determined by the Department.

Normalized net site energy means the site energy use by the covered building normalized for weather and other characteristics within the limits of the capabilities of the benchmarking tool and normalized for other factors as determined by the Department minus energy generated from the renewable energy allowance.

Normalized net site EUI means the total normalized net site energy use consumed by a covered building in one year divided by the total gross floor area of the building expressed in kBtu/GSF.

Onsite renewable energy system means a renewable energy system physically located on the covered building or covered building site that produces renewable energy.

Owner means an individual or legal entity in whose name a building is titled, or in the case of a community association, the governing body of either a condominium or a cooperative housing corporation.

Performance baseline means the normalized net site EUI for a covered building averaged over two calendar years.

Performance metric means an objectively verifiable numeric measure of normalized site EUI to determine building performance.

Renewable energy allowance means all electricity generated from onsite renewable energy systems.

Renewable energy system means electricity generated from a source that is not depleted when used.

Site energy use means all energy used onsite by a covered building to meet the energy loads of a building, including electricity delivered to the building through the electric grid and generated onsite with renewable sources; natural gas; district steam; district hot and chilled water; diesel; propane; fuel oil; wood; coal; and other fuels used onsite. Site energy use does not include parking or electricity used to charge vehicles.

Site energy use intensity or *site EUI* means a numeric value calculated by the benchmarking tool that represents the energy consumed by a covered building relative to its size in terms of energy used per square foot of gross floor area per year.

Tenant means a person or legal entity occupying or holding possession of a building, part of a building, or premises under a rental agreement.

Transportation includes any use defined under Section 3.6.6 of the Zoning Ordinance.

Utility infrastructure includes any use defined under Section 3.6.7 of the Zoning Ordinance.