

Chapter 8.11

ALL-ELECTRIC NEW BUILDINGS*

Sections:

- 8.11.010 Purpose and intent.**
- 8.11.020 Applicability and effective date.**
- 8.11.030 Definitions.**
- 8.11.040 All-electric new buildings requirement.**
- 8.11.050 Technical exemptions.**
- 8.11.060 Public interest exemption.**
- 8.11.070 Implementation and enforcement.**

* **Code reviser's note:** Ord. [1717](#) added this chapter as Chapter [8.10](#). It has been editorially renumbered to avoid duplication of numbering.

8.11.010 Purpose and intent.

The purpose of this chapter is to prohibit the installation of new natural gas infrastructure to ensure that new buildings and associated uses:

- A. Are consistent with Resolution No. 11133 (2020 Series) stating that, "It is the policy of the city that new buildings should be all-electric";
- B. Implement Resolution No. 11159 (2020 Series) resolving that there shall be "no net new building emissions from onsite energy use by 2020";
- C. Implement the Climate Action Plan for Community Recovery and the associated goal of communitywide carbon neutrality by 2035;
- D. Protect public health and safety by avoiding issues related to seismic safety risk, indoor air quality risk, and impacts associated with climate change. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.020 Applicability and effective date.

- A. The effective date of this ordinance shall be January 1, 2023.
- B. The provisions contained in this chapter are applicable to newly constructed buildings, including those that are built after a demolition, whose building permit applications have been submitted on or after January 1, 2023.

- C. The provisions contained in this chapter do not apply to additions or alterations. Residential subdivisions in process of permitting or constructing initial public improvements for any phase of a final map recorded prior to January 1, 2020, are exempt, unless compliance is required by an existing development agreement. Additional exemptions and exceptions to this chapter are identified in sections for outdoor cooking and heating.
- D. This chapter shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title [24](#), Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.030 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "Accessory dwelling unit" means an accessory dwelling unit as defined in Section [17.156.004](#).
- B. "All-electric building" means a building that has no natural gas plumbing installed within the building and that uses electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances.
- C. "Commercial kitchen equipment" means equipment intended for use in "eating and drinking establishments," including but not limited to commercial cooking appliances (see California Fire Code, Chapter 2, Definitions) domestic cooking appliances, and high-capacity dishwashers.
- D. "Critical facilities" means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.
- E. "Eating and drinking establishments" means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises as defined in Section [17.156.012](#).
- F. "Manufacturing and industrial facility" means a building with the occupancy classification as defined in the California Building Code, Chapter 3, Section 306, Group F.
- G. "Mixed-fuel building" means a building that is plumbed for the use of natural gas as fuel for space heating, water heating, cooking or clothes drying appliances.
- H. "Natural gas infrastructure" means natural gas or fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter as specified in California Plumbing Code and Mechanical Code.
- I. "Newly constructed building" means a building or space that has never been used or occupied for any purpose.

- J. "Process" means an activity or treatment that is not related to the space conditioning, lighting, service water heating, or ventilating of a building as it relates to human occupancy.
- K. "Process load" means an energy load resulting from a process. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.040 All-electric new buildings requirement.

- A. All newly constructed buildings shall be all-electric buildings. Natural gas infrastructure is prohibited in newly constructed buildings and in on-site systems related to newly constructed buildings.
- B. The requirements of this section shall be deemed objective planning standards under Government Code Section 65913.4 and objective development standards under Government Code Section 65589.5. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.050 Technical exemptions.

- A. Notwithstanding Section [8.11.040](#), for purposes of this section, provision of natural gas infrastructure for certain end uses is allowed when no all-electric alternative is commercially available or viable. End uses eligible for technical exemptions are:
1. Back-up power for critical facilities necessary to protect public health or safety in the event of an electric grid outage.
 2. Process loads in a newly constructed manufacturing and industrial facility. For a manufacturing and industrial facility with unknown future tenants, an exemption may be provided that allows the extension of natural gas infrastructure into the building at time of construction to support future process loads.
- B. Notwithstanding Section [8.11.040](#), for purposes of this section, provision of natural gas infrastructure for certain end uses is allowed through December 31, 2025, when no all-electric alternative is commercially available or viable. End uses eligible for technical exemptions are:
1. Commercial kitchen equipment in a newly constructed eating and drinking establishment.
 2. Water heating or space heating in a newly constructed attached accessory dwelling unit in which new services are provided by systems from an existing mixed fuel building.
 3. A swimming pool that is provided as a public amenity.
- C. Concurrent with the building permit application, project applicants seeking a technical exemption as identified in subsections A and B of this section must submit an exemption application to the community development director for approval. The submittal must include a description of how the purpose and intent of this chapter, as outlined in Section [8.11.010](#), is addressed to the maximum extent feasible. The director's decision shall become a condition of the development or building permit issued for the project. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.060 Public interest exemption.

A. Notwithstanding the requirements of this chapter and the council's clean energy program for new buildings, and other public health and safety hazards associated with natural gas infrastructure, minimally necessary and specifically tailored natural gas infrastructure may be allowed in a building otherwise subject to the requirements of this chapter if the community development director makes all of the following findings:

1. The physical site conditions, necessary operational requirements, or the public health or safety risks in the event of an electric grid outage make it infeasible to meet the requirements of this chapter.
2. The project meets the city's adopted sustainability and environmental policies and is consistent with purpose and intent of this chapter, as outlined in Section [8.11.010](#).
3. The project has mitigated adverse health, safety, or general welfare impacts as they relate to new natural gas infrastructure to persons residing or working on the site or in the vicinity to the greatest extent feasible.
4. The grant of an exemption pursuant to this section will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other similarly situated properties in the vicinity with the same zoning.

B. Concurrent with the building permit application, project applicants seeking a public interest exemption as identified in subsection [A](#) of this section must submit an exemption application to the community development director for approval. The burden shall be on the applicant to demonstrate the grounds for an exemption and the submittal must include sufficient evidence for the community development director to make the findings required in subsection [A](#) of this section. The director's decision shall become a condition of the development or building permit issued for the project. (Ord. 1717 § 2 (Exh. A), 2022)

8.11.070 Implementation and enforcement.

In addition to any other remedy authorized by this code, any violation of the provisions of this chapter is considered an infraction of the city of San Luis Obispo Municipal Code, punishable by all the sanctions prescribed in Chapters [1.12](#) and [1.24](#). (Ord. 1717 § 2 (Exh. A), 2022)

The San Luis Obispo Municipal Code is current through Ordinance 1730, passed October 3, 2023.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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