



Rule



Exception

S U M M A R Y :

Exceptions in All-Electric Reach Codes

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REACH CODE IMPLEMENTATION RESOURCES TEMPLATE

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Exceptions in 2022 All-Electric Reach Codes

A Review of Authorities and Provisions

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There are many situations that may require jurisdictions to grant exceptions under an all-electric reach code, including the reasons listed below:

- For process loads where there is no practical electric equivalent
- Where it is not possible to demonstrate compliance with the Energy Code but the design satisfies the intent of the code
- Where there is no all-electric design that meets the intent of the Energy Code (or another part of the Building Code)
- Where there is insufficient utility capacity to electrify or the cost of extending service is exceedingly burdensome

Such exceptions may be handled in a variety of ways. The building official has authority to grant exceptions on an individual basis under Chapter 1, Part 2 of the Building Code.

Specified exceptions may also be defined in an ordinance. Or, limited general exceptions may be more broadly defined to be granted at the discretion of the building official.

This document is intended to provide jurisdictions with information about the authorities to grant exceptions and examples of how exceptions are handled in various ordinances.

Building Official Authorities

The building official is granted some discretion to interpret the building code and approve of alternate methods and materials that satisfy the intent of the code on an individual basis when there are “practical difficulties involving carrying out the provisions” of the code. This process may be burdensome, both for the applicant and permitting staff and requires evidence to support approval. The authorities are in [Chapter 1, Part 2, Section 104 of the California Building Code](#). It should be noted that the authorities do not grant the building official the right to reduce the requirements of the energy code for all-electric buildings; they only allow for approaches that achieve the intent of the code – *[S]uch policies and procedures shall not have the effect of waiving requirements specifically provided for in this code (Chapter 1, Part 2, [A] 104.1.)*. These authorities may be reiterated or cited in a reach code but need not be. Excerpts are provided at Attachment A – Authorities of the Building Official.

These authorities could be used to grant a variety of exceptions, but since they are assessed on a case-by-case basis, are best reserved for cases that are project-specific; narrowly defined specified exceptions are often easier to administer.

Specified Exceptions

Specified exceptions are narrowly defined, can be determined based on information from the application, and do not require much, if any, discretion on the part of permitting staff. Excerpts from existing ordinances may be found at Attachment B.

- Many jurisdictions provide exceptions for process loads in specific occupancies, such as backup generation in essential facilities and process loads in manufacturing, industrial, laboratory, hospital facilities and public pools.
- Many jurisdictions specifically except commercial cooking processes.
- Many jurisdictions include provisions for those projects that have been granted an exception to the all-electric requirements to require installation of electrical capacity and infrastructure to support future electrification.
- A few jurisdictions provide exceptions for damaged or unsafe buildings (where substantial remodels are subject to the requirements).
- A few jurisdictions include language clarifying that certain exceptions are revocable, that is, gas lines must be removed or capped if a change of occupancy or use no longer qualifies for an exception.
- Some jurisdictions allow gas piping to be extended to shell spaces that are intended to be built out for excepted occupancies.

Limited General Exceptions

These exceptions are more generally defined and usually require some discretion on the part of permitting staff. They may be applied to address technical infeasibility, public necessity, economic hardship or financial infeasibility. Excerpts from existing ordinances may be found at Attachment B.

About half of the ordinances include an exception that applies where the proposed project is unable to demonstrate compliance with the Energy Code. This could theoretically occur where heat pumps are not feasible and electric resistance heat is needed for a significant amount of the load. Such an exception is consistent with the broader Energy Code, which states that “[w]hen the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirements shall prevail” (Chapter 1, Part 1, 1.1.7.3 Conflicts). In this case, the exception would be to allow natural gas (State Code would take precedence over local amendments).

Such an exception may also serve reiterate the authorities of the Building Official in situations where the proposed design is unable to *demonstrate* compliance with the State code but satisfies the *intent* of the Energy Code. In such cases, the building official could use their authorities to grant an exception to the Energy Code, as long as the proposed design meets the intent of the code (i.e., it uses no more energy than allowed under the code). This situation could occur where the proposed design uses a technology that is not included in the set of prescriptive measures in the Energy Code and is not included in the approved performance compliance software. Newer technologies, or new Federal standards (e.g., the new SEER-2 standard), could account for such situations.

Conclusion

Narrowly specified exceptions can be the simplest to administer but may not capture the range of situations that may exist. To the extent possible, if an ordinance includes specified exceptions, attempt to enumerate as clearly as possible, under what conditions natural gas appliances and infrastructure are permitted.

It may be useful to include a more general exception to permit natural gas in unforeseen situations, such as when an all-electric design cannot meet the intent of the energy code or where sufficient electric service is not available. Some parameters may be provided to narrow the conditions but are not necessary.

Exceptions may be granted under the authorities of the building official in the State Code. These authorities may be reiterated or cited in the reach code but they do not need to be. These authorities are limited and cannot be used to waive code requirements; the building official is still required to enforce the intent of the code.

See Attachment B, Sample Exception Text from Selected Ordinances, for examples of text from existing reach code ordinances.

Attachment A: Authorities of the Building Official

Chapter 1, Part 1, Section 1.8.7.2 Local Building Departments

The building department of any city, county, or city and county may approve alternates for use in the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of apartments, condominiums, hotels, motels, lodging houses, dwellings or accessory structures...

Chapter 1, Part 2, Section 104, Duties and Powers of Building Official

[A] 104.1 General

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.10 Modifications

Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] 104.11 Alternative Materials, Design and Methods of Construction and Equipment

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

- 1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,*
- 2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:*
 - Quality.*
 - Strength.*
 - Effectiveness.*
 - Fire resistance.*

Durability.
Safety.

[A] 104.11.1 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Attachment B: Sample Exception Text from Selected Ordinances

Excerpts from ordinance language are provided below. Some text has been reformatted. Please refer to the original ordinances for the exact text, formatting, and references. Ordinances and staff reports may be found at LocalEnergyCodes.com.

Specified Exceptions

BACK-UP POWER FOR CRITICAL FACILITIES

Marin County

Emergency electrical generation back-up power equipment for essential services and multifamily buildings....

Essential Services Building: means a facility as defined by the California Health and Safety Code [section 16007](#), as amended from time to time. For purposes of this chapter, essential services buildings are publicly owned and/or publicly operated buildings whose purpose is to safeguard the public health and safety. Essential services buildings generally exclude privately owned residences and/or commercial buildings; except that, privately owned commercial buildings may qualify as essential services buildings to the extent they are publicly operated to safeguard the public health and safety.

Petaluma

Back-up power facilities for Essential Services Buildings...

Essential Services Buildings: shall have the same meaning as “Essential Services Buildings,” as defined by Health and Safety Code Section 16007, as amended from time to time. For purposes of this chapter, Essential Services Buildings are publicly owned and/or publicly operated buildings whose purpose is to safeguard the public health and safety. Essential Services Buildings generally exclude privately-owned residences and/or commercial buildings; except that, privately-owned commercial buildings may qualify as Essential Services Buildings to the extent they are publicly operated to safeguard the public health and safety.

Corte Madera

The following are exempt from the requirements of this chapter: Emergency electrical generation back-up power equipment for essential services and multifamily buildings...

San Rafael

Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation when required by the code, commercial kitchen for preparing food, commercial laundry for laundry, or in an approved industrial process.

INDUSTRIAL/MANUFACTURING PROCESS LOADS

Marin County

The use of natural gas infrastructure for equipment requiring industrial process heat...

Industrial process heat: shall be defined as a process or manufacturing equipment for which sustained temperatures typically in excess of three hundred fifty degrees Fahrenheit are required and demonstrably not achievable with commercial electric equipment.

Pleasanton

Nonresidential buildings requiring industrial process heat, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to utilize fuel gas infrastructure for equipment requiring industrial process heat. The local enforcing agency may grant the modification if they find: A business-related need to use industrial process heat; and The need cannot be achieved equivalently with an electric heating.

INDUSTRIAL PROCESS HEAT. A process or manufacturing equipment for which sustained temperatures typically in excess of three hundred fifty degrees Fahrenheit are required and demonstrably not achievable with commercial electric equipment.

Riverside

Manufacturing or industrial facility equipment for the area of the building utilizing process loads.

"Manufacturing or Industrial Facility" means a building with the occupancy classifications as defined in the California Building Code, Chapter 3, Section 306, Group F or Section 313, Group L.

San Luis Obispo

For Manufacturing and Industrial facilities with unknown tenants, exemptions may be provided pending review of initial tenant occupancy.

San Rafael

Fuel gas and oil piping is prohibited in new construction unless for use in emergency electrical generation when required by the code, commercial kitchen for preparing food, commercial laundry for laundry, or in an approved industrial process.

RESEARCH LABS/INSTITUTIONS

Albany

...minimally necessary and specifically tailored Natural Gas Infrastructure may be allowed in scientific laboratory buildings.

Scientific Laboratory Building means a building which is classified in Occupancy Group L, as defined by the California Building Code, Title 24, Part 2, Section 313.

Brisbane

Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To take advantage of this exception, an applicant shall provide third party verification that the All-electric space heating requirement is not cost effective and feasible.

LABORATORY. A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, instruction, research or developmental activities in medical and life sciences. The building may include a combination of scientific work areas and the supporting offices.

Livermore

Laboratories, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install combustion equipment served by fuel gas. The local enforcing agency may grant the modification if they find: A business, research, or educational-related need to use combustion equipment; and The need cannot be achieved equivalently with an electric heating appliance; and The applicant has installed energy efficient equipment based on EnergyStar or California Energy Wise qualifications, as available.

Los Altos

Non-residential buildings, Scientific Laboratory Buildings and Public Buildings may apply to the Building Division of the Los Altos Development Services Department for an exception to install a non-electric fueled appliance or piece of equipment. The Building Division of the Los Altos Development Services Department shall grant an exception if they find the following conditions are met:

The applicant shows that there is a public or business-related need that cannot be reasonably met with an electric fueled appliance or piece of equipment.

The applicant complies with the pre-wiring provisions to the non- electric appliance or piece of equipment noted at Subsection 12.22.020B.3.

The decision of the Building Division of the Los Altos Development Services Department shall be final unless the applicant appeals the decision to the City Manager or his or her

designee within 15 days of the date of the decision. The City Manager's designee's decision on the appeal shall be final.

Menlo Park

Non-Residential Buildings containing a Scientific Laboratory Building, such area may apply for approval to contain a non-electric Space Conditioning System or appliances or laboratory equipment, subject to demonstrating infeasibility or lack of cost-effectiveness in accordance with administrative guidelines as may be established by the Building Official. To take advantage of this exception applicant shall provide third party verification that All Electric space heating requirement is not cost effective and feasible.

Santa Monica

For purposes of this Section, provision of Fuel Gas Infrastructure for medical uses, laboratory equipment or clean-rooms in buildings designed for scientific or medical uses shall be deemed to be in the public interest provided that the infrastructure is limited to the capacity necessary for designated medical, laboratory or clean-room areas.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT

Alameda

Commercial food heat-processing equipment in nonresidential buildings located in a place of public accommodation, as defined in the California Building Code Chapter 2.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. An equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

Burlingame/Livermore/Los Gatos/ San Mateo/Pleasanton

Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install commercial food heat-processing equipment served by fuel gas. The local enforcing agency may grant the modification if they find: A business-related need to cook with combustion equipment; The need cannot be achieved equivalently with an electric heating appliance; and The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available. ¹

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. An equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

¹ Text from San Mateo ordinance

Santa Monica

For purposes of this Section, provision of Fuel Gas Infrastructure for cooking appliances in commercial kitchens in restaurants and institutional cooking facilities shall be deemed to be in the public interest provided that the infrastructure is limited to the capacity necessary to operate the appliances as designed.

Electric Readiness for Allowed Gas Equipment

Hayward

Where Fuel Gas Infrastructure is installed as part of a Newly Constructed Non-Residential Building, the building shall be required to have sufficient electrical capacity, including reserved circuit breakers, electrical conduit, subpanels, panels, switchboards, and transformers, to facilitate future full building electrification in accordance with the California Electrical Code and manufacturer specifications, in addition to all other code requirements, and shall be depicted on the construction drawings. Physical space for future electric heating appliances, including equipment footprint and any associated ducting, shall be depicted on the construction drawings. The footprint necessary for future electric heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Brisbane, Dublin, Livermore, Pleasanton, San Carlos, San Leandro, San Mateo²

Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor: Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical

² Text from Brisbane

heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Cupertino, Glendale, Menlo Park, Los Altos, Millbrae, Pacifica Santa Clara, Sunnyvale³

If a non-electric appliance or piece of equipment is allowed to be installed, the appliance or equipment location must also be electrically pre-wired for future electric appliance or equipment installation, including: A dedicated circuit, phased appropriately, with a minimum amperage requirement for a comparable electric appliance with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric appliance or equipment" and be electrically isolated; and A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range;"); and All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Encinitas

If natural gas appliances are used under the exception above, natural gas appliance locations shall also be Electric-Ready for future electric appliance installation. The applicant has employed methods to mitigate the greenhouse gas impacts of the gas fueled appliance based on reducing on site energy use that is equal to or greater than the expected annual GHG emissions from the therms consumed onsite based on new natural gas service request from the utility and equipment installed.

Solana Beach

In newly constructed nonresidential buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system and for appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows: 1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane equipment shall meet the requirements of the California Energy Code, Title 24, Part 6, Section 150.0(u). 2) Stand Alone Cooking Oven. Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out: A dedicated 240 volt, 20 amp or greater receptacle within three (3)

³ Text from Los Altos

feet of the appliance and accessible with no obstructions; The electrical receptacle shall be labeled with the words "For Future Electric Oven" and be electrically isolated; and A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Oven". 3) Any other gas appliances and equipment shall be deemed electric ready by a licensed design professional associated with the project, who shall provide calculations and documentation that the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment.

EXCEPTIONS FOR EXISTING UNSAFE OR DAMAGED BUILDINGS

Healdsburg

Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.

Campbell

Reconstruction after damage or destruction. A nonconforming structure which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the Building Official) may be restored or reconstructed; provided, the restoration is started within twelve months thereafter.

REVOCABLE BUILDING AND INFRASTRUCTURE EXEMPTIONS

Santa Cruz

Notwithstanding the requirements of this Chapter and the Greenhouse Gas Emissions and other public health and safety hazards associated with Natural Gas Infrastructure, minimally necessary and specifically tailored Natural Gas Infrastructure shall be allowed in a New Constructed Building on a revocable basis limited to the duration of time during for which one the conditions set forth below are satisfied and the building continues occupancy as the original design specified in the Construction Drawings permitted by the City as a Newly Constructed Building: Facility Employing Industrial Process Heat. A Newly Constructed Building meeting the definition of Facility Employing Industrial Process Heat in 6.100.030 as certified by affidavit of either a Registered Design Professional or a Licensed Mechanical or Electrical Contractor. The scope of the exemption extends to process equipment only, not HVAC or water heating appliances.

EXTENSION OF GAS INFRASTRUCTURE TO UNOCCUPIED SPACES

Brisbane

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building

permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

LIMITED GENERAL EXCEPTIONS

INFEASIBILITY, HARDSHIP, PUBLIC NEED EXCEPTIONS

Sacramento

If a building permit applicant establishes to the satisfaction of the building official that it is infeasible to comply with the all-electric building requirements in subsection 100.0(e)(2)(A)(i) or subsection 100.0(e)(2)(A)(ii) because of the type of building, physical site conditions, commercial availability of electric appliances or equipment, necessary operational requirements, electrical infrastructure requirements, or the public health, safety, or economic welfare in the event of an electric grid outage, the building official may waive the requirements of subsection 100.0(e)(2)(A)(i) or subsection 100.0(e)(2)(A)(ii) only for those portions of the building where all-electric is infeasible.

San Jose

If an applicant for a Newly Constructed Building believes that the type of project or physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare in the event of an electric grid outage make it a hardship or infeasible to meet the requirements of this Chapter, or the project meets the City's adopted sustainability and environmental policies, then the applicant may request an exemption or modification from the Director. The burden shall be on the applicant to demonstrate the grounds for any exemption. In making a determination in response to an application for a limited exemption, if the Director determines that the applicant is eligible for an exemption, then the Director may issue a decision requiring compliance with less than the full extent of the requirements of this Chapter, provided such requirements meet or exceed the electrification readiness requirements in San José Municipal Code Chapter 24.12.

San Luis Obispo

Notwithstanding Section 8.10.040, 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: a. Back-up power for Critical Facilities necessary to protect public health or safety in the event of an electric grid outage. b. Process Loads in a Newly Constructed Manufacturing and Industrial Facility. For Manufacturing and Industrial facilities with unknown tenants, exemptions may be provided pending review of initial tenant occupancy. B. Notwithstanding Section 8.10.040, 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: a. Commercial Kitchen Equipment in a Newly Constructed Eating and

Drinking Establishment. b. 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. c. A swimming pool that is provided as a public amenity.

San Rafael

At the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project causing an insurmountable hardship.

Healdsburg

The Utility Director shall grant this exception if the applicant establishes one or more of the following: 1. There is a business-related necessity to use a natural gas fuel source that cannot be achieved with an electric fuel source; or 2. There is a proven need for a natural gas appliance due to public health or public safety reasons that cannot be achieved with an electric fuel source.

Campbell

The City recognizes certain services and/or operations rely on gas service or would be rendered infeasible if required to use electric service in their processes. In such circumstances, a limited exemption from the City's Electrification Standards (CMC 18.26.060) may be warranted. The purpose and intent of this section is to outline the regulations for a limited exemption from the standards. (b) Exemption Process. The City shall not approve any request for a limited exemption from electrification standards except upon a complete and duly filed application on the then-current form prepared by the City. (c) Review Criteria. The applicant always bears the burden to demonstrate why a limited exemption should be granted. The following criteria shall be used by the Building Official to determine if there is an operational necessity for natural gas service that warrants a limited exemption from the electrification standards. (1) Gas dependent processes. Industrial and certain commercial uses, which require the use of natural gas for specific operational processes, shall be allowed use of natural gas for that need. Examples include, but shall not be limited to, metallurgy, glass blowing, pottery, research and development uses, and certain medical processes. (2) Commercial cooking. Commercial restaurants and similar commercial food preparatory facilities shall be permitted natural gas service for food preparation. Examples include, but shall not be limited to, restaurants, bakeries, grocery stores, and commercial kitchens. (3) Cost prohibitive. Gas service shall be permitted when it can be demonstrated that the 10-year lifecycle cost analysis of installing and using all-electric equipment will be 50% or greater than that of using natural gas and/or would render the project financially infeasible. When estimating the life-cycle cost, all calculations will assume the purchase and use of all new equipment. (4) Emergency services. Natural gas may be permitted for facilities providing emergency services. Examples include backup generators for wireless cell towers and public heating centers. (5) Reconstruction after damage or destruction. A

nonconforming structure which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the Building Official) may be restored or reconstructed; provided, the restoration is started within twelve months thereafter.

EXCEPTIONS RELATED TO COMPLIANCE WITH THE ENERGY CODE

29 Jurisdictions

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2 (electric-readiness, [text added]). Emeryville shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.⁴

⁴ Text from Emeryville ordinance