

ORDINANCE NO. 764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADDING TO TITLE 8 OF THE CARPINTERIA MUNICIPAL CODE CHAPTER 8.30 ENTITLED PROHIBITION OF FUEL GAS PLUMBING INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

WHEREAS, scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change; and

WHEREAS, the Intergovernmental Panel on Climate Change estimates that global emissions need to be reduced by 45 percent from 2010 levels by 2030, and 100 percent by 2050 to prevent global catastrophe; and

WHEREAS, the State of California enacted Senate Bill (SB) 32 to require greenhouse gas emissions to be reduced to 40 percent below 1990 levels by 2030 and Governor Brown issued Executive Order B-55-18 establishing a statewide target of carbon neutrality by 2045; and

WHEREAS, Carpinteria is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons; and

WHEREAS, the inventoried greenhouse gas emissions in the City of Carpinteria come from a variety of sources, primarily transportation and energy use in buildings and facilities; and

WHEREAS, this Chapter is also reasonably necessary due to health and safety concerns as City residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by the combustion of natural gas; and

WHEREAS, the City Council has adopted a Sustainable Community Policy, which recognizes that rapid, far-reaching, and unprecedented changes in all aspects of society are required to limit global warming and the resulting environmental threat posed by climate change, including the prompt phasing out of natural gas as a fuel for heating and cooling infrastructure in new buildings; and

WHEREAS, using electric heating and cooling infrastructure in new buildings fueled by less greenhouse gas intensive electricity is linked to significantly lower greenhouse gas emissions and is cost competitive due to the cost savings associated with all-electric designs that avoid new gas infrastructure; and

WHEREAS, all-electric building design benefits the health, welfare, and resiliency of Carpinteria and its residents; and

WHEREAS, the most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems and the project can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and venting for combustion air safety; and

WHEREAS, it is the intent of the City Council to eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where all electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENT TO CODE

Title 8 of the Carpinteria Municipal Code ("Health and Safety") is amended to add Chapter 8.30 entitled "Prohibition of Fuel Gas Plumbing Infrastructure in Newly Constructed Buildings," as follows:

"Chapter 8.30 Prohibition of Fuel Gas Plumbing Infrastructure in Newly Constructed Buildings

- 8.30.010 Findings and Purpose**
- 8.30.020 Applicability**
- 8.30.030 Definitions**
- 8.30.040 Prohibited Fuel Gas Infrastructure in Newly Constructed Buildings**
- 8.30.050 Qualifying Exemptions**
- 8.30.060 Electric Readiness for Qualifying Exemptions**
- 8.30.070 Revocation of Qualifying Exemption**
- 8.30.080 Appeals and Exceptions**
- 8.30.090 Periodic Review of Ordinance**

8.30.010 – Findings and Purpose.

The City Council finds and declares that this Chapter is intended to enhance long-term public health and welfare by contributing to the overall reduction of greenhouse gas (GHG) emissions and the reduction of emissions associated with natural gas transport and combustion by requiring that all new buildings be constructed as all-electric buildings. The provisions in this Chapter are designed to achieve the following objectives:

1. Reduce consumption of natural gas in the City of Carpinteria;
2. Reduce the risks associated with transporting natural gas in the City of Carpinteria;
3. Reduce GHG emissions associated with use of natural gas;
4. Lower the cost of building new residential and non-residential buildings; and
5. Improve indoor air quality and occupant health.

8.30.020 – Applicability.

- A. The requirements of this Chapter shall apply to the building permits for all newly constructed buildings, as defined herein, that are proposed to be located in whole or in part within the City.
- B. The prohibition of fuel gas infrastructure shall apply to permit applications submitted on or after the effective date of this Chapter.
- C. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking or 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.
- E. The requirements of this Chapter shall be incorporated into conditions of approval for building permits under Municipal Code Chapter 15.16.

8.30.030 – Definitions.

“Applicant” means an any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities, or State or local government agency applying for a permit for a newly constructed building.

“Commercial Food Heat-Processing Equipment” means 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.

“Energy Code” means the most current version of the California Building Energy Efficiency Standards, as adopted by reference in Chapter 15.08 and any local amendments thereto.

“Fuel Gas” means natural gas, manufactured gas, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Codes.

“Fuel Gas Infrastructure” means fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of the premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

“Electric Heating Appliance” means a device that produces heat energy to create a warm environment by the application of electric power to resistance elements,

refrigerant compressors, or dissimilar material junctions, as specified in the California Mechanical Code.

“Junior Accessory Dwelling Unit (JADU)” means a residential unit that: is no more than 500 square feet in size; is contained entirely within an existing or proposed single-unit dwelling structure; includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-unit dwelling structure; and includes an efficiency kitchen.

“Mechanical Code” means the California Mechanical Code published by the California Building Standards Commission as adopted by reference in Chapter 15.08 and any local amendments thereto.

“Newly Constructed Building” means a building that has never before been used or occupied for any purpose, or removal and replacement of an existing structure. For the purposes of this Chapter, removal and replacement of an existing structure shall include a construction project where:

1. The size of an alteration, replacement, or addition exceeds 50% of the area of the existing building; or,
2. The value of the alteration, replacement, or addition exceeds 50% of the estimated value of the existing building.

If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, that structure shall be considered a Newly Constructed Building and shall be subject to provisions of this Chapter.

8.30.040 – Prohibited Fuel Gas Infrastructure in Newly Constructed Buildings.

Existing Fuel Gas Infrastructure shall not be extended to any system or device within a building unless an exemption applies pursuant to the provisions of this Chapter. Inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise be operated unless the exemptions specified in this Chapter have been confirmed as part of the issuance of a building permit.

8.30.050 – Qualifying Exemptions.

A. Notwithstanding the requirements of Section 8.30.040, minimally necessary and specifically tailored Fuel Gas Infrastructure shall be allowed in a newly constructed building on a revocable basis limited to the duration of time during which one of the conditions set forth below is satisfied, and the building continues occupancy as specified in the original construction drawings permitted by the City as a Newly Constructed Building.

1. Compliance Pathway. If the Applicant establishes that it is not feasible to construct the building without fuel gas infrastructure. For purposes of this exemption, it is feasible to construct the building without natural gas infrastructure if either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance

compliance standards under the Energy Code using commercially available technology and a calculation method approved by the City.

2. Public Interest. If the Applicant establishes that the use serves the public interest. In determining whether fuel gas infrastructure is in the public interest, the City will consider impacts on the health, safety, or welfare of the public, as well as the availability of alternative technologies or systems that do not use fuel gas.
 - a. For purposes this Section, provision of Natural Gas Infrastructure for Commercial food heat-processing equipment 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.
 - b. For purposes of this Section, provision of Natural Gas Infrastructure for 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 laboratory or clean-room areas.
3. Junior Accessory Dwelling Units. An Applicant may apply for an exemption for utilizing fuel gas infrastructure in a JADU if the existing building already has fuel gas service and the JADU will use the existing fuel gas infrastructure.

8.30.060 – Electric Readiness for Qualifying Exemptions.

- A. Where fuel gas infrastructure is permitted due to a qualifying exemption, newly constructed buildings 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, as certified by affidavit of either a registered design professional or a licensed electrical contractor.
- B. 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.

8.30.070 – Revocation of Qualifying Exemption.

At such time as the conditions of the applicable revocable building and infrastructure exemption of this Chapter ceases to be satisfied, the fuel gas infrastructure shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable codes.

8.30.080 - Appeals and Exceptions.

Any person, firm or corporation that opposes the application of a standard described in this chapter may file an appeal to the "local appeals board" as described in Section 15.08.180.

8.30.090 – Periodic Review of Ordinance.

The City shall conduct a periodic review the requirements of this ordinance for consistency with the California Energy Code and the Energy Commission's mid-cycle amendments and triennial code adoption cycle as applicable."

SECTION 3. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase of this Chapter 8.30, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases is declared invalid or unconstitutional.

SECTION 4. CERTIFICATION.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on October 1, 2023.

PASSED, APPROVED AND ADOPTED on April _____, 2023, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on April 10, 2023.

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria