

COUNCIL INTRODUCTION DRAFT
SHOWING CHANGES FROM CURRENT CODE 07/20/21

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF SANTA BARBARA
AMENDING THE SANTA BARBARA
MUNICIPAL CODE BY ADDING CHAPTER
22.100 PROHIBITING NATURAL GAS
INFRASTRUCTURE IN NEW BUILDINGS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Title 22 of the Santa Barbara Municipal Code is amended by adding
Chapter 22.100 to read as follows:

22.100.010 Findings and Purpose.

_____ The City Council finds and declares as follows:

_____ 1. Scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.

_____ 2. As a coastal city, Santa Barbara is vulnerable to sea level rise. Human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water, resulting in rising sea levels.

_____ 3. Santa Barbara is already experiencing the repercussions of excessive greenhouse gas emissions as rising sea levels threaten the City's shoreline and infrastructure, have caused significant erosion, have increased impacts to infrastructure during extreme tides, and have caused the City to expend funds to modify the sewer system.

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4. Santa Barbara 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.

5. This Chapter is also reasonably necessary because of 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.

6. The City Council has adopted a Climate Action Plan, Strategic Energy Plan, and Sea Level Rise Adaptation Plan, which all recognize 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.

7. 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 because of the cost savings associated with all-electric designs that avoid new gas infrastructure.

8. All-electric building design benefits the health, welfare, and resiliency of Santa Barbara and its residents.

9. 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.

10. 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.

22.100.020 Applicability.

A. This Chapter applies to all Newly Constructed Buildings as provided in Section 22.100.040.

B. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking and heating.

C. This Chapter neither amends the California Energy Code as adopted by Section 22.04.010 of this Code, nor requires the use or installation of any specific appliance or system as a condition of approval.

22.100.030 Definitions.

A. APPLICANT. 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.

B. DIRECTOR. The Director of the Sustainability and Resilience Department.

C. ENERGY CODE. The most current version of the California Energy Code published by the California Building Standards Commission as adopted by reference pursuant to Chapter 22.04 and any local amendments thereto.

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D. GREENHOUSE GAS EMISSIONS. Gases that trap heat in the atmosphere.

E. MECHANICAL CODE. The California Mechanical Code published by the California Building Standards Commission as adopted by reference to Chapter 22.04 and any local amendments thereto.

F. NATURAL GAS. Natural gas has the same meaning as "Fuel Gas" as defined in the Plumbing Code and in the Mechanical Code.

G. NATURAL GAS INFRASTRUCTURE. Natural gas or fuel gas piping, other than service pipe, in or in connection with a building or within the property lines of a parcel, extending from the point of delivery at the gas meter as specified in the Plumbing Code or in the Mechanical Code.

H. NEWLY CONSTRUCTED BUILDING. A new structure that has never before been used or occupied for any purpose or removal and replacement of an existing structure. An existing structure is removed and replaced for purposes of this definition when either (a) it is completely demolished and replaced with a new structure, or (b) it is partially removed and replaced and the removal and replacement involves any two of the following:

1. More than 75% of the structural elements of the roof or roof framing are removed;
2. More than 75% of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are removed or are no longer a necessary and integral structural component of the overall building;

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3. More than 75% of the foundation system is removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar elements that connect a structure to the ground and transfer gravity loads from the structure to the ground.

The calculation with respect to a wall will be based on a horizontal measurement of the affected portion of the perimeter exterior wall between the structure's footings and the structure's ceiling. The calculation with respect to a roof will be based on the overall square footage of the area affected. The calculation with respect to a foundation system will be based on the lineal feet of the affected foundation system, count of post and piers, and overall square footage of the affected elements in relationship to the system as a whole.

I. PERMITTING AUTHORITY. The Building Official or a city employee exercising authority delegated by the Building Official.

J. PLUMBING CODE. The California Plumbing Code published by the California Building Standards Commission as adopted by reference to Chapter 22.04 and any local amendments thereto.

22.100.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings.

A. Natural Gas Infrastructure is prohibited in Newly Constructed Buildings for which a building permit for construction is issued after January 2, 2021, unless an application for the permit has been deemed complete on or before December 31, 2021.

B. Notwithstanding Subsection A, the Permitting Authority may authorize Natural Gas Infrastructure in a Newly Constructed Building if the Applicant establishes

that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, it is physically feasible to construct the building without Natural Gas Infrastructure if 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 an approved calculation method.

C. When Natural Gas Infrastructure is permitted for a Newly Constructed Building pursuant to Subsection B, it may be extended to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available. Further, Newly Constructed Buildings with Natural Gas Infrastructure must also have sufficient electric capacity, wiring, and conduit to facilitate future full building electrification when it becomes feasible.

D. 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.

E. The requirements of this Section do not apply to a junior accessory dwelling unit or an accessory dwelling unit that is attached to an existing primary residential unit that has natural gas infrastructure. The definitions of Section 30.185.040 of this Code apply to this subdivision.

22.100.050 Public Interest Exemption.

A. Notwithstanding the requirements of Section 22.100.040, Subsection A, minimally necessary and specifically tailored Natural Gas Infrastructure may be allowed in a Newly Constructed Building if the Permitting Authority finds that the use serves the

public interest. In determining whether the construction of Natural Gas Infrastructure is in the public interest, the Permitting Authority may consider:

1. The availability of alternative technologies or systems that do not use natural gas;

2. Any other impacts that the decision to allow Natural Gas Infrastructure may have on the health, safety, or welfare of the public.

B. If the installation of Natural Gas Infrastructure is granted under a public interest exemption, the Newly Constructed Buildings shall nonetheless be required at the minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.

C. For purposes this Section, provision of Natural 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.

D. 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.

22.100.060 Appeal of Permitting Authority Decisions.

Decisions of the Permitting Authority under this Chapter may be appealed to the City Council as provided in Section 1.30.050 of this Code.

22.100.060 Periodic Review of Ordinance.

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The Director shall review the requirements of this Ordinance every 18 months for ongoing consistency with the California Energy Code and the Energy Commission's mid-cycle amendments and triennial code adoption cycle and make a report and recommendation to the City Council.

SECTION 2. Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or Chapter 22.100 as adopted by this ordinance, 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 ordinance and 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 Chapter 22.100, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared invalid or unconstitutional.