

DRAFT ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, REPEALING, AMENDING AND REENACTING CHAPTERS 14.01 – 14.12 AND 14.44 OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE MORRO BAY MUNICIPAL CODE TO ADOPT THE 2022 BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, FIRE EXISTING BUILDING, GREEN BUILDING, ADMINISTRATIVE, AND REFERENCE STANDARDS CODES, THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AND ADDING REGULATIONS FOR THE ELECTRIFICATION OF RESIDENTIAL BUILDINGS.

THE CITY COUNCIL CITY OF MORRO BAY, CALIFORNIA

WHEREAS...

WHEREAS, based on the 2022 California Energy Code, the California Energy Commission finds all-electric new buildings are cost-effective relative to mixed fuel buildings; and

WHEREAS, the Statewide Codes and Standards Team have published the 2022 California Energy Code Cost Effectiveness studies, which find all-electric buildings to be cost-effective in the City's climate zone (Climate Zone 5); and

FINDINGS

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4. Scientific evidence has established that natural gas combustion, procurement, and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.
5. As a city located on the California Central Coast, Morro Bay is vulnerable to the effects of sea level rise and resultant flooding within the Morro Bay watershed, and 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.
6. The City of Morro Bay is situated near three major faults each capable of generating earthquakes with a magnitude of 7.5. These are the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 east of the City, and the Hosgri to the West. Other faults of importance are the West Huasna to the Northeast of the City, the San Simeon to the North, and the Cambria Fault to the east and north of the City. In as much as these faults are included as major California earthquake faults, which are

- subject to becoming active at any time, the City of Morro Bay is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Morro Bay from the North, East and South due to the potential for collapsing of highway bridges. Additional potential situations inherent in such an occurrence include loss of the City's two main water sources (The State Water Project and Morro Valley wells, broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the demand for first aid and other medical attention to large numbers of people. As a result, the City is pursuing a policy to discourage additional natural gas extensions and the related, expanded risk of gas leaks and explosions during seismic events for the protection of human life and the preservation of property in the event of such an occurrence.
7. The following addition to the Morro Bay Municipal Code 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.
 8. All-electric residential building design benefits the health, welfare, and resiliency of Morro Bay and its residents.
 9. The most cost-effective time to integrate electrical infrastructure is in the design phase of a residential building project because building systems and spaces can be designed to optimize the performance of electrical systems and a 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. Natural gas combustion and gas appliances emit a wide range of air pollutants, such as carbon monoxide (CO), nitrogen oxides (NO_x, including nitrogen dioxide (NO₂)), particulate matter (PM), and formaldehyde, which according to the California Air Resources Board (CARB), have been linked to various acute and chronic health effects, including respiratory infections, cardiovascular disease, or even death, and additionally exceed levels set by national and California-based ambient air quality standards.
 11. According to the California Air Resources Board (CARB), cooking emissions, especially from gas stoves, are associated with increased respiratory disease. Young children, people with asthma, and people with heart or lung disease are especially vulnerable to the toxic effects of combustion pollutants.
 12. Lower-income populations and communities of color may be disproportionately impacted by indoor pollutant byproducts of natural gas appliances, with risk factors including increased exposure due to smaller and older homes and higher rates of asthma. Programs that promote, educate and incentivize decarbonization improve human health and social equity.
 13. States across the country are making electrification education easy to access, on-demand and frequent for homeowners and installers. Decarbonization programs that prioritize workforce education and development support local economies and the business community.

Chapter 14.10
ALL ELECTRIC RESIDENTIAL BUILDINGS

Sections

14.10.010 Purpose

14.10.020 Definitions

14.10.030 All Electric Residential Buildings Requirement

14.10.040 Exemptions

14.10.010 Purpose

These regulations are established and adopted to promote public health, safety and welfare and to address the negative impacts of climate change. This title establishes electrification requirements for the construction, alteration and addition of residential structures.

14.04.020 Definitions

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.

ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plan view. The entire room or space where the remodel is taking place will be considered in the calculation, either alone or in combination with any of the following:

- a. Removing wall finishes and exposing framing of;
 - Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation).
 - Perimeter exterior wall (one or both sides).
- b. New wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms or spaces on both sides of the wall will be included in the calculation.
- c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.
- d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).

- e. Removal of floor finishes which exposes floor framing and/or removal of concrete slab.
- f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.
- g. Other alterations considered substantial by the Building or Fire Code Official (see DSA-AC definition of "Alteration" in the 2022 California Building Code).

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.

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.

NEW CONSTRUCTION: "For the purposes of enforcing the provisions of the California Fire Code, California Building Code, and the California Residential Building Code, any work, addition to, remodel, repair, renovation, or alteration of any building(s) or structure(s) may be defined as "New Construction" when 50 percent or more of the exterior weight bearing walls are removed or demolished".

SUBSTANTIAL REMODEL: "In all existing residential buildings or structures, any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area."

SUBSTANTIAL ADDITION, GROUP R-2 and R-3 "In all existing Group R-2 and R-3 buildings or structures, any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area."

14.10.030 ALL-ELECTRIC RESIDENTIAL BUILDINGS REQUIREMENT

- A. All Newly Constructed Residential Buildings shall be All-Electric Buildings. Natural Gas Infrastructure is prohibited in Newly Constructed Residential Buildings.
- B. All substantial remodels and substantial additions of existing Residential Buildings shall be required to convert to All Electric Buildings.
- C. 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.

14.04.040 EXEMPTIONS

- A. Public Interest Exemption. Notwithstanding the requirements of this Chapter and other public health and safety hazards associated with natural gas infrastructure, natural gas

may be allowed in a building otherwise subject to the requirements of this ordinance if the authority responsible for entitling or permitting the project finds that it provides substantial benefit to the Public Interest and makes any of the following findings:

- a. That current limitations of electric power infrastructure in the vicinity of the project site make it impossible to serve the project without significant upgrades, such as to transformers or other distribution equipment, that are outside the scope of the proposed project and would render it economically infeasible.
 - b. The proposed project would result in a de minimis use of natural gas that could be offset, such as through a sequestration project or other proposal directly tied to the development project.
- 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.