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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING THE RIVERSIDE MUNICIPAL CODE BY ADDING
CHAPTER 16.26 REGARDING ELECTRIFICATION OF NEW
BUILDINGS.

WHEREAS, according to the California Air Resources Board inventory of greenhouse gases as of 2021, almost twenty five percent (25%) of the State’s greenhouse gas emissions derive from natural-gas use in buildings of residential and commercial occupancies; and

WHEREAS, human activities, such as burning natural gas to heat buildings, heat water or cook food, releases greenhouse gases into the atmosphere and contributes to an overall increase in global average temperature, and increases in global average temperatures cause more extreme and frequent weather events; and

WHEREAS, greenhouse gas emissions can be reduced by limiting natural gas combustion and the use of gas appliances, both of which emit a wide range of air pollutants including carbon dioxide, nitrogen oxides, and particulate matter; and

WHEREAS, such pollutants have been linked to various acute and chronic health effects, exceed levels set by national and California-based ambient air quality standards, and contribute to the global average temperature increase resulting in more extreme and frequent weather events; and

WHEREAS, building electrification would reduce or remove fossil-fuel sources in certain buildings, thereby improving indoor air quality, providing greater healthful conditions, and allowing building occupants a more enjoyable experience while occupying electrified buildings; 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 inasmuch as projects can take full advantage of avoided costs and space requirements; and

WHEREAS, incorporating Building Electrification into design and construction of certain newly constructed buildings would support the City Council’s Envision Riverside 2025 Strategic Plan Environmental Stewardship goal to achieve community-wide carbon neutrality by 2040; and

1 WHEREAS, by reducing or removing sources of combustion in a building, a higher
2 order of safety is achieved with no burning flames, no piping containing fossil- fuels, and zero
3 leakage of gaseous fuels released into the building or supply lines; and

4 WHEREAS, The City of Riverside Public Utilities Department has sufficient capacity
5 from electrical grid sources to support Building Electrification and other goals incorporating
6 electrical energy, power from the Department is available, reliable, and increasingly cleaner.

7 The City Council of the City of Riverside does ordain as follows:

8 Section 1: Chapter 16.26 of the Riverside Municipal Code, entitled “Electrification of
9 New Buildings” is hereby added as shown in Exhibit “A” attached hereto and incorporated herein by
10 reference.

11 Section 2: The City hereby finds that this ordinance is not subject to review under the
12 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060,
13 subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical
14 change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in
15 question may have a significant effect on the environment). In addition to the foregoing general
16 exemptions, the City Council further finds that this ordinance is categorically exempt from review
17 under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of
18 the environment), CEQA Guidelines section 15308.

19 Section 3: The City Clerk shall certify to the adoption of this ordinance and cause
20 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
21 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
22 adoption.

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1 ADOPTED by the City Council this _____ day of _____, 2022.

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PATRICIA LOCK DAWSON
Mayor of the City of Riverside

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5 Attest:

6

DONESIA GAUSE
City Clerk of the City of Riverside

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9 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
10 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
11 _____ day of _____, 2022, and that thereafter the said ordinance was duly and
12 regularly adopted at a meeting of the City Council on the _____ day of _____, 2022,
13 by the following vote, to wit:

14 Ayes:

15 Noes:

16 Absent:

17 Abstain:

18

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
20 City of Riverside, California, this _____ day of _____, 2022.

21

22 _____
Donesia Gause
City Clerk of the City of Riverside

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EXHIBIT "A"

Chapter 16.26 – ELECTRIFICATION OF NEW BUILDINGS

16.26.010 -Title.

This Chapter shall be known and designated as "Electrification of New Buildings".

16.26.020-Purpose and intent.

The purpose of this Chapter is to ensure the future health, welfare, and quality of place of the residents, property owners and visitors of the City of Riverside by requiring building electrification in certain newly constructed buildings.

16.26.030 – Definitions.

For the purposes of interpreting this Chapter, the following terms are defined as follows. When the definitions below differ from those contained elsewhere in the Riverside Municipal Code, the provisions of this Chapter shall apply.

A. "Building Electrification" is a building where electricity, including non-fossil fuel produced electricity, is the main source of energy for water heating (including pools and spas), space heating, space cooling, cooking and clothes drying, and does not utilize fossil-fuels of a gaseous or liquid state within the building.

B. "Commercial Kitchen" is a food facility devoted to the commercial preparation, production, and cooking of food and beverages.

C. "Complete Building Permit Application" is defined as a building permit application that obtained an approved completeness check, paid applicable fees, and was accepted into the plan check process that has not expired.

D. "Emergency Use" means use of non-utility generated electrical power applied to equipment and incidents required to have emergency power by the current edition of the California Building Code, and/or California Fire Code.

E. "Equipment for Emergency Use" means equipment that utilizes combustible fossil-fuels as a source for conversion or as a prime-mover to produce electric energy.

F. "Essential Building" is a building for public agencies used as a fire station, police or law enforcement station, emergency operations center, emergency communication dispatch center, or any public agency building that may be used in preparation of, during and after emergencies, disasters, or for local, regional, or national security.

G. "Food Service Establishment" means a building with a Commercial Kitchen or cooking equipment where food or beverages are prepared and served for consumption on-site or off-site.

H. "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.

I. "Mixed Fuel Building" means a building that uses fuel gas for space heating or cooling, exterior heating, decorative uses and lighting, water heating (including pools and spas), cooking appliances or clothes drying appliances, onsite generation of electricity (except where primarily fueled by onsite digestion of organic material), or contains fixtures, piping systems, or infrastructure for natural gas or propane equipment for such uses.

J. "Natural Gas" shall have the same meaning as "fuel gas" as defined in California Plumbing Code and Mechanical Code.

K. "Newly-constructed" means a building that is not in existence or has not been previously erected, or a building that has never been used or occupied for any purpose.

L. "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.

M. "Process Load" means an energy load resulting from a process.

N. "Regulated Affordable Housing" means a building to be occupied by low- or moderate-income households as defined in California Health and Safety Code Section 50093; offered at an affordable rent as defined in California Health and Safety Code Section 50053 for a period of at least 30 years for homeownership units and 55 years for rental units; and subject to restriction for a period of at least 30 years for homeownership and 55 years for rental units; under a recorded regulatory agreement between the property owner and a local, state, or federal agency.

O. "Virtual Net Energy Metering" means a billing arrangement that allows multi-tenant building owners to install a single solar system to cover the electricity load of both common and tenant areas connected at the same service delivery point. The electricity does not flow directly to any tenant meter, but feeds some common area loads and the remainder goes onto the grid. The electricity that is feed back to the grid is then proportioned to the tenant's bill.

16.26.040 – Applicability.

The requirements of this Chapter shall apply to entitlement projects that have not been deemed complete prior to the effective or implementation date of this Chapter, or where an entitlement is not required, the project has not submitted a complete building permit application prior to the effective date of this Chapter.

The requirements of this chapter shall be deemed objective planning standards under Government Code Section [65913.4](#) and objective development standards under Government Code Section [65589.5](#).

16.26.050 – Requirements.

Building electrification shall apply to all newly constructed buildings as follows:

1. For building permit applications filed on or after January 1, 2023, all newly constructed buildings that are three stories or less, notwithstanding any other provisions in this Chapter.

2. In addition to Section 16.26.050 item 1, for building permit applications filed on or after January 1, 2026, this Chapter shall apply to newly constructed buildings that are four stories or more, notwithstanding any other provisions in this Chapter.

The Building Official shall not issue any permit that would convert an existing all-electric building or project into a Mixed-Fuel Building where the permit application was submitted on or after the effective date of this Chapter.

16.26.060 – Exceptions.

Building electrification shall not apply to any of the following conditions:

1. Newly constructed, added or converted Accessory Dwelling Units and Junior Accessory Dwelling Units on existing single family or multi-family properties where the primary structure is a mixed-fuel building.
2. Water-heating systems and equipment in regulated affordable housing for those portions of the building where virtual net energy metering is unavailable.
3. Food service establishment and commercial kitchen appliances utilized for cooking purposes.
4. Manufacturing or industrial facility equipment for the area of the building utilizing process loads.
5. Essential buildings, medical-health care facilities, research and development laboratories, equipment for emergency use and other special occupancies with fossil-fuel equipment directly related to the operations are necessary and where electric alternatives could jeopardize critical operations, occupant safety or patient care.
6. Where the cost of electric utility infrastructure and supply upgrades exceed the cost of the entire project. The entire project cost shall be based on the cost of electrified building(s) without natural gas.
7. Modifications pursuant to Section 104.10 of the California Building Code with authority granted to the Building Official for individual cases where compliance with this Chapter is proven to have practical difficulties and makes the strict letter of this Chapter impractical.
8. The requirements of this chapter shall not apply to the use of portable propane appliances for outdoor cooking, refrigeration, and heating.
9. The availability of alternative technologies or systems that do not use natural gas as defined herein and have no carbon emissions subject to review and approval by the Building Official and Fire Marshal, or appointed designee.

16.26.070 – Compliance.

Buildings designed and constructed pursuant to the requirements of this Chapter shall meet the requirements of the Riverside Municipal Code, the electrical service requirements of Riverside Public Utilities, and the current California Building Standards Code including the California Electrical Code and the California Energy Code.

16.26.080 – Infeasibility Waiver Process.

If a building permit applicant establishes to the satisfaction of the Building Official that it is infeasible to comply with the building electrification requirements 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 general welfare in the event of an electric grid outage, the Building Official may waive the requirements in writing only for those portions of the building where building electrification is infeasible.

The Building Official shall implement a policy to consider infeasibility waivers under Section 16.26.050.

The policy must be developed in consultation with relevant industry experts and practitioners, including Riverside Public Utilities. The policy shall include a meeting with the permit applicant during which time the applicant can present supporting documentation and other relevant information that may help justify the consideration of project infeasibility.

A waiver request form shall be submitted by the permit applicant, reviewed by the Building Official or duly appointed designee, and processed with the outcome, along with any supporting documentation that will be kept with the permit record.

A fee may be established through City Council resolution to recover the cost associated with processing such waiver requests.

16.26.090 – Appeals.

Building Electrification appeals shall be as follows:

1. The decision on whether a building is exempt from the provisions of this chapter based on the use of the building for potential future uses, as specified in Section 16.26.050, is made by the Community & Economic Development Department Director, without the need for a hearing, and the decision is appealable to the Planning Commission.
2. The decision on whether a building is exempt from the provisions of this chapter based on physical feasibility in Section 16.26.050 is made by the Building Official and the decision is appealable to the Board of Building Appeals in accordance with Section 16.04.470.

16.26.100 – 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 title, and each section, subsection, sentence, clause, and phrase of this chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

16.26.110 – Periodic Review.

The Building Official or designee shall review the requirements of this Chapter for ongoing consistency with California Building Standards Commission regulations under Title 24 and the Commission's triennial code adoption cycle and is also authorized to draft administrative regulations implementing requirements of this Chapter.