

DOCKETED	
Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	232413-4
Document Title:	City of Richmond Local Ordinance No 06-20 NS
Description:	N/A
Filer:	Danuta Drozdowicz
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/16/2020 10:57:08 AM
Docketed Date:	3/16/2020

ORDINANCE NO. 06-20 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
REPEALING AND REPLACING CHAPTER 6.02 OF RICHMOND MUNICIPAL CODE
ARTICLE VI, BUILDING REGULATIONS AND REPEALING CHAPTERS 6.04,6.16,
6.20, 6.28, AND 6.46, TO ADOPT THE 2019 EDITION OF THE CALIFORNIA
BUILDING STANDARDS CODE WITH NOTED AMENDMENTS**

WHEREAS, the California Building Standards Codes are published every three years by the Building Standards Commission; and

WHEREAS, the California Building Standards Commission has published the 2019 California Building Standards Code amending Title 24 of the California Code of Regulations, effective January 1, 2020; and

WHEREAS, California Health and Safety Code Section 17958, et. seq., provides that the 2019 California Building Standards Code may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (CEQA) per the State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed Ordinance will not have an impact on the environment because they do not directly facilitate new development, or changes in the type and intensity of land use; and

WHEREAS, this ordinance repeals Richmond Municipal Code Chapters 6.04, 6.16, 6.20, 6.28 and 6.46; and

WHEREAS, a copy of the 2019 Building Standards Code is on file with the Building Official; and

WHEREAS, a noticed public hearing was held on February 18, 2020 by the City Council at which time all interested persons had the opportunity to appear and be heard on the matter adopting by reference the 2019 Building Standards Code and making other consistency amendments to the Richmond Municipal Code; and

WHEREAS, the City of Richmond is committed to reducing greenhouse gas emissions in accordance with the United States' original commitment to the Paris Climate Accord to keep warming this century "well below 2°C above pre-industrial levels" and to "pursue efforts to limit the temperature increase even further to 1.5°C."; and

WHEREAS, Richmond City Council adopted resolution 108-08 on September 16, 2008, to commit to achieving, at minimum, the GHG reduction targets established by California Global Warming Solutions Act (AB 32); 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

WHEREAS, the City of Richmond included an Energy and Climate Element in the General Plan 2030; and

WHEREAS, General Plan 2030 Implementing Action "EC1. - A Climate Action Plan" directs the development of "a climate action plan for reducing greenhouse gas emissions to meet or exceed State reduction targets"; and

WHEREAS, on April 24, 2012, the City Council certified the Richmond General Plan Update Environmental Impact Report (EIR) (SCH#2008022018) and adopted the Richmond General Plan 2030 document; and

WHEREAS, on October 18, 2016, the City Council Council adopted the Richmond Climate Action Plan with Addendum to the Richmond General Plan Environmental Impact Report and directed staff to implement the Climate Action Plan and achieve the greenhouse gas reduction targets set forth in the plan; and

WHEREAS, the City of Richmond has set climate action goals to reduce emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. Consistent with this goal, the Climate Action Plan established a 2020 Greenhouse Gas reduction target of 15% below 2005 levels by 2020; and

WHEREAS, the City of Richmond 2012 Greenhouse Gas Inventory shows that 39.8% of total emissions came from natural gas consumption (not including Bay Area Air Quality Management District Monitored Point-Source and AB-32 Regulated Sources); and

WHEREAS, the Richmond Climate Action Plan *Strategy RE3: Promote Conversion From Natural Gas to Clean Electricity* directs the City to “promote conversion of residential and commercial natural gas systems to electric systems powered by renewable energy or solar thermal systems” to reduce 42,486 metric tons of greenhouse gas emissions by 2030; and

WHEREAS, on October 24, 2017, the City Council directed staff to develop “a Zero Net Energy ordinance with minimum requirements that go beyond the California Building Energy Code”; and

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, Public Resources Code Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the California Energy Code; and

WHEREAS, Health and Safety Code Section 18941.5, with reference to Section 17958.7, allows for more restrictive local amendments to the Building Code that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the California Codes and Standards Reach Code Program has determined specific reach code amendments to the 2019 State Energy Code for each climate zone, and

WHEREAS, these reach code amendments have been incorporated into Richmond’s amendments to the 2019 State Energy Code; and

WHEREAS, that such modifications will result in designs that consume less energy than they would under the 2019 State Energy Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows based on the following findings and determinations:

SECTION I. Findings and Determinations.

A. The following local climatic, conditions justify modifications to the California Building Standards Code.

- 1. Climatic:** The City is located in Climate Zone 3 as established in the 2019 California Energy Code. Climate Zone 3 incorporates mostly coastal communities from Marin County to southern Monterey County including San Francisco. The City experiences average annual precipitation of 23 inches per year. Ninety percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time.

In addition, local surface winds frequently transport moisture-laden air from the surface of the Bay waters into the City. Larger scale prevailing weather patterns and winds created by the jet stream from the west also transport highly humid air and storms across the Pacific Ocean through the strait between the San Francisco peninsula and the Marin Headlands straddled by Golden Gate Bridge and into the City. The moderating effect of the Bay waters

on local temperatures tends to reduce local temperature extremes, even during periods of high inland temperatures. The combination of moist air from adjacent waters and the associated mild temperatures means that it is common for local weather conditions to hover near the dew point. This can result in the formation of fog associated with local and regional marine weather layers, which commonly cover the City for hours or even days at a time with an average morning relative humidity of 81 percent in November. Much of Northern California is considered to possess a predominantly Mediterranean climate. At times Richmond does experience periods of high temperature and/or low humidity particularly between mid-July and mid-October, when the danger of hillside fires is greatest.

Temperatures in September, the warmest month, average around 74 degrees Fahrenheit and in January, the coolest month, average around 58 degrees Fahrenheit. These climatic conditions along with the greenhouse emissions generated from structures in both the residential and nonresidential sectors requires exceeding the energy standards for building construction established in the 2019 California Buildings Standards Code. The City Council also adopted a Climate Action Plan that has a goal of reducing greenhouse gas emissions 15% below 2005 levels by 2020. In order to achieve and maintain this goal, the City needs to adopt policies and regulations that reduce the use of fossil fuels that contribute to climate change, such as natural gas in buildings, in new development. Human activities, such as burning natural gas to heat buildings, releases greenhouse gases into the atmosphere and causes an overall increase in global average temperature. This causes sea levels to rise, affecting the City's shoreline and infrastructure.

Many existing and new buildings in Richmond are located near the coastline. Richmond is vulnerable to sea level rise where new development is proposed in this code cycle. New buildings that are directly vulnerable to sea level rise should avoid generating additional greenhouse gas emissions. The proposed Reach Code would ensure that new buildings use cleaner sources of energy that are greenhouse gas free.

- 2. Geologic:** The City of Richmond is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Richmond is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas including East Richmond and Hilltop, and passes through schools and business districts. A large number of underground utilities cross the fault, including major water supply and natural gas lines. Intensified damage during an earthquake may be expected in those areas of poorer ground along the Bay, west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides. The waterfront areas and areas in the Richmond flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.
- 3. Topographic:** The City of Richmond is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also the City is located in an area that is relatively high liquefaction potential given its proximity to the Bay. The surface condition near the Bay consists stiff to hard silty clays and clayey silts with variable amounts of gravel, which are moderately expansive. The City of Richmond has many homes built in higher elevation regions, such as in Point Richmond, that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. A number of developments in these areas are of wood frame construction and are several stories in height from grade level. The fire potential is moderately high due to building congestion and heights. Fires can be expected to involve large groups of buildings in these areas.

B. The City Council finds, pursuant to Title 14 , Chapter 3 of the of the California Code of Regulations(CEQA Guidelines), that this ordinance is exempt from CEQA under 15061(b)(3) on the grounds that these standards are more stringent than the State energy code standards, and there is no possibility that the activity in question may have a significant effect on the environment.

SECTION II. Amendment of Code. Chapter 6.02 of Article VI of the Richmond Municipal Code is hereby repealed and replaced with a new section as follows:

Chapter 6.02 BUILDING CODE OF THE CITY OF RICHMOND

Sections:

6.02.010 Adoption by reference.

6.02.020 Copies on file.

6.02.030 Amendments, additions and deletions.

6.02.010 - Adoption by reference.

A. The Building Code of the City of Richmond is the 2019 California Building Standards Code (California Code of Regulations, Title 24), adopted by reference and incorporated herein as follows:

1. The 2019 California Administrative Code, published by the International Code Council, as amended in Part 1 of the California Building Standards Code, California Code of Regulations Title 24;
2. The 2019 California Building Code based on the International Building Code, 2018 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2 of the California Building Standards Code, California Code of Regulations Title 24; as amended in section 6.02.030, including Chapter 17A, Appendix G, Appendix I;
3. The 2019 California Residential Code based on the International Residential Code, 2018 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2.5 of the California Building Standards Code, California Code of Regulations Title 24; as amended in section 6.02.030, including Appendix H, Appendix V;
4. The 2019 California Electrical Code based on the National Electrical Code, 2017 Edition, published by the National Fire Protection Association, together with those omissions, amendments, exceptions and additions thereto as amended in Part 3 of the California Building Standards Code, California Code of Regulations Title 24;
5. The 2019 California Mechanical Code based on the Uniform Mechanical Code, 2018 Edition, published by the International Association of Plumbing and Mechanical Officials, together with those omissions, amendments, exceptions and additions thereto as amended in Part 4 of the California Building Standards Code, California Code of Regulations Title 24;
6. The 2019 California Plumbing Code based on the Uniform Plumbing Code, 2018 Edition, published by the International Association of Plumbing and Mechanical Officials, together with those omissions, amendments, exceptions and additions thereto as amended in Part 5 of the California Building Standards Code, California Code of Regulations Title 24;
7. The 2019 California Energy Code, published by the International Code Council, as amended in Part 6 of the California Building Standards Code, California Code of Regulations Title 24; as amended in section 6.02.030;
8. The 2019 California Historical Building Code, published by the International Code Council, as amended in Part 8 of the California Building Standards Code, California Code of Regulations Title 24;
9. The 2019 California Fire Code as adopted by RMC Section 8.16.010.
10. The 2019 California Existing Building Code, based on the International Existing Building Code, 2018 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24; including Appendix A, Chapter A1
11. The 2019 California Green Building Standards Code, published by the International Code Council, as amended in Part 11 of the California Building Standards Code, California Code of Regulations Title 24 and

12. The 2019 California Reference Standards Code, published by the International Code Council, as amended in Part 12 of the California Building Standards Code, California Code of Regulations Title 24;

6.02.020 Copies on file.

At least one copy of the Building Code of the City of Richmond shall be kept on file in the office of the Building Official for inspection by the public.

6.02.030 Amendments, additions and deletions.

(A) Amendments, additions and deletions to 2019 California Building Code Chapter 1 Division II Scope and Administration:

1. New Section 105.3.2.1 is added as follows:

105.3.2.1 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of last plan review correspondence by either the City or the applicant will expire by limitation, and plans and other data submitted for review may thereafter be destroyed by the Building Official.

2. New Section 105.5.1 is added as follows:

105.5.1 Completion of work after permit expiration. Before work on an expired permit can be recommenced, a new permit shall first be obtained and the fee for such new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. Any suspension or abandonment in excess of one year shall be treated as a new permit and subject to all the provisions thereof.

3. New Section 109.4.1 is added as follows:

109.4.1 Investigation fee for work without permit. Whenever any work for which a permit is required has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to three times the permit fee as set forth in the City's adopted fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code nor from any penalty prescribed by law.

4. Section 109.6 is amended to read as follows:

109.6 Refunds. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.

The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan checking is done.

5. New Section 109.7 is added/as follows:

109.7 Reinspection fee. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section does not require reinspection fees the first time a job is rejected for failure to comply with the requirements of the codes. Subsequent inspections or the practice of

calling for inspections before the job is ready for such inspection or reinspection may be subject to reinspection fees.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the fee schedule adopted by the City.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

6. New Section 113.4 is added as follows:

113.4 Appointment and Number of Members Appointed. The City Manager or their designee is authorized by the governing body to appoint the Board of Appeals. The Board shall consist of 5 members with a quorum of 3 to conduct business.

(B) Amendments, additions and deletions to 2019 California Residential Code Chapter 1 Division II Administration:

1. New Section R105.3.2.1 is added as follows:

R105.3.2.1 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of last plan review correspondence by either the City or the applicant will expire by limitation, and plans and other data submitted for review may thereafter be destroyed by the Building Official.

2. New Section R105.5.1 is added as follows:

R105.5.1 Completion of work after permit expiration. Before work on an expired permit can be recommenced, a new permit shall first be obtained and the fee for such new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. Any suspension or abandonment in excess of one year shall be treated as a new permit and subject to all the provisions thereof.

3. Section R108.5 is amended to read as follows:

R108.5 Refunds. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.

The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan checking is done.

4. New Section R108.6.1 is added to read as follows:

R108.6.1 Investigation fee for work without permit. Whenever any work for which a permit is required has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to three times the permit fee as set forth in the City's adopted fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code nor from any penalty prescribed by law.

5. New Section R108.7 is added as follows:

R108.7 Reinspection fee. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section does not require reinspection fees the first time a job is rejected for failure to comply with the requirements of the codes. Subsequent inspections or practice of calling for inspections before the job is ready for such inspection or reinspection may be subject to reinspection fees.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the fee schedule adopted by the City.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

6. New Section R112.5 is added as follows:

R112.5 Appointment and Number of Appointees. The City Manager or their designee is authorized by the governing body to appoint the Board of Appeals. The Board shall consist of 5 members with a quorum of 3 required to conduct business.

(C) Amendments, additions and deletions to Title 24 Part 6, the 2019 California Energy Code:

1. Section 100.0(e)2A is amended to read as follows:

100.0(e).2.A All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building as defined in Section 100.1(b).

Exception 1: Non-Residential Buildings containing a Scientific Laboratory Building, such area may contain a non-electric Space Conditioning System. To take advantage of this exception applicant shall provide third party verification that All-Electric space heating requirement is not cost effective and feasible.

Exception 2: All Residential buildings may contain non-electric Cooking Appliances and Fireplaces.

Exception 3: Exemption for public agency owned and operated emergency centers. To take advantage of this exception, applicant shall provide third party verification that the All-Electric requirement is not cost effective or feasible.

Conditional Exception 4: Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Planning Department for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include barbeque-themed restaurants and pizza ovens. The Planning Director or their designee shall grant this exception if they find the following:

1. There is a business-related reason to cook with a flame;
2. This need cannot be reasonably achieved with an electric fuel source;
3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance;
4. The applicant shall comply with the pre-wiring provision of Note 1 below.

The Planning Director or their designee's decision shall be final unless the applicant appeals to the Planning Commission within 15 days of the decision. The Planning Commission's decision on the appeal shall be final.

Note 1: If natural gas appliances are used in any of the above exceptions 1-4, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. The appliance locations shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) 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;

2. Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;
3. 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
4. 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.

Note 2: If any of the exceptions 1-4 are granted, the Planning Director or their designee shall have the authority to approve alternative materials, design and methods of construction or equipment per CBC 104.

2. Section 100.1(b) is amended to add the following definitions to read as follows:

100.1(b) Definitions.

ALL ELECTRIC BUILDING is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

SCIENTIFIC LABORATORY BUILDING is a building or area where research, experiments, and measurement in medical, and life sciences are performed and/or stored requiring examination of fine details. The building may include workbenches, countertops, scientific instruments, and supporting offices.

3. Section 100.1(b) is amended to modify the following definitions to read as follows:

SHADING is the protection from heat gains because of direct solar radiation by permanently attached exterior devices of building elements, interior shading devices, glazing material, adherent materials, including items located outside the building footprint such as heritage trees or high rise buildings that may affect shading.

4. The initial portion of Section 110.2 is amended to read as follows:

110.2 MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT. Certification by manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

5. The initial portion of Section 110.3(a) is amended to read as follows:

110.3(a) Certification by manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

6. The initial portion of Section 110.4(a) is amended to read as follows:

110.4.(a) Certification by manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment has all of the following:

7. The initial portion of Section 110.5 is amended to read as follows:

110.5 NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED. Any natural gas system or equipment, meeting the requirements of Section 100.0 (e)2A, listed below may be installed only if it does not have a continuously burning pilot light:

8. The Title of Section 110.10 and Section 110.10(a) are amended to read as follows:

110.10 MANDATORY REQUIREMENTS FOR SOLAR READY BUILDINGS AND SOLAR PANEL SYSTEM REQUIREMENTS FOR NON-RESIDENTIAL NEW BUILDINGS

110.10(a) Covered Occupancies.

1. Single Family Residences. Single family residences located in subdivisions with ten or more single family residences and where the application for a tentative subdivision map for the residences has been deemed complete approved by the enforcement agency, which do not have a photovoltaic system installed, shall comply with the requirements of Section 110.10(b) through 110.10(e).
2. Low-rise Multifamily Buildings. Low-rise multi-family buildings that do not have a photovoltaic system installed shall comply with the requirements of Section 110.10(b) through 110.10(d).
3. Hotel/Motel Occupancies and High-rise Multifamily Buildings. Hotel/motel occupancies and high-rise multifamily buildings with ten habitable stories or fewer shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110-10-A.
4. Nonresidential Buildings. Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 110.10-A.

**TABLE 110.10-A:
SOLAR PANEL REQUIREMENTS FOR ALL NEW NONRESIDENTIAL AND HIGH-RISE RESIDENTIAL BUILDINGS**

Square Footage of Building	Size of Panel
Less than 10,000 sq. ft.	Minimum of 3-kilowatt PV systems
Greater than or equal to 10,000 sq. ft.	Minimum of 5-kilowatt PV systems
EXCEPTION: As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet, additional to any other solar thermal equipment otherwise required for compliance with Part 6.	

9. Exception 2 to Section 110.10(b)1B is amended to read as follows:
110.10(b)1B Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings.
 EXCEPTION 2 to Section 110.10(b)1B: High-rise multifamily buildings, hotel/motel occupancies with a permanently installed domestic solar water-heating system complying with Section 150.1(c)8Biii and an additional collector area of 40 square feet.
10. Exception 6 to Section 110.10(b)1B is added to read as follows:
110.10(b)1B Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings.
 Exception 6 to section 110.10(b)1B: Performance equivalency approved by the Building Official.
11. Section 110.10(b)3C is added to read as follows:
110.10(b)3C. The solar zone needs to account for shading from obstructions that may impact the area required in 110.10(b)1B. When conditions exist where excessive shading occurs and solar zones cannot be met, a performance equivalency approved by the Building Official may be used as an alternative.

SECTION III. Chapters 6.04, 6.16, 6.20, 6.28 and 6.46 are repealed in their entirety.

SECTION IV. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION V. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION VI. Effective Date. This Ordinance, with the exception of Amendments, additions and deletions to the California Energy Code contained in 6.02.030(C) becomes effective thirty (30) days after its final passage and adoption however, no sooner than January 1, 2020 as mandated by the State. Amendments, additions and deletions to the California Energy Code contained in 6.02.030(C) shall become effective following approval by the California Energy Commission.

First introduced at a regular meeting of the City Council of the City of Richmond held February 18, 2020, and finally passed and adopted at a regular meeting held March 3, 2020, by the following vote:

AYES:	Councilmembers Choi, Johnson III, Martinez, Myrick, Willis, Vice Mayor Bates, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 06-20 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 3, 2020.



Pamela Christian, City Clerk of the City of Richmond