

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING RICHMOND MUNICIPAL CODE ADDING NEW CHAPTER 9.64 PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS EFFECTIVE JANUARY 1, 2022**

The City Council of the City of Richmond does ordain as follows:

Section 1. New Chapter 9.64 Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings is added to the Richmond Municipal Code as follows:

**Chapter 9.64**

**PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS**

**Sections:**

**9.64.010 Findings and Purpose.**

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**9.64.030 Definitions.**

**9.64.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings.**

**9.64.050 Public Interest Exemption.**

**9.64.060 Periodic Review of the Ordinance.**

**9.64.070 Severability.**

**9.64.080 Effective Date.**

**9.64.010 Findings and Purpose.**

The Council finds and expressly declares as follows:

- A. Scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.
- B. The following addition to the Richmond Municipal Code is reasonably necessary because of local climatic, geologic and topographical conditions as listed below:
  1. As a coastal city located on the San Francisco Bay, Richmond is vulnerable to sea level rise 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.
  2. Richmond 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.
  3. Richmond 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.
4. Structures in Richmond are located along or near the Hayward fault, which is likely to produce a large earthquake in the Bay Area.
  - C. The following addition to the Richmond Municipal Code is also reasonably necessary because of health and safety concerns as Richmond residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by the combustion of natural gas.
  - D. The people of Richmond, through the City of Richmond Climate Action Plan (Resolution No. 101-16) and the Richmond Climate Emergency Declaration (Resolution No. 69-18) 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 newly constructed buildings.
  - E. Substitute electric heating and cooling infrastructure in newly constructed 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.
  - F. All-electric building design benefits the health, welfare, and resiliency of Richmond and its residents.
  - G. 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.
  - H. It is the intent of the Council to eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in newly constructed 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.

**9.64.020 Applicability.**

- A. The requirements of this Chapter shall apply to Design Review Permits, Use Permit, and/or Zoning Compliance Review applications submitted on projects located in whole or in part within the City after the effective date of this Chapter for all Newly Constructed Buildings.
- B. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- C. 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.
- D. The requirements of this Chapter shall be incorporated into conditions of approval for Design Review Permits, Use Permits, or Zoning Compliance Review

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applications under RMC Chapter 15.04.805, 15.04.716.050, 15.04.804 and 15.04.806.

### **9.64.030 Definitions.**

- A. "Applicant" shall mean an applicant for Design Review Permit, Use Permit or Zoning Compliance Review application under Chapter 15.04.
- B. "Energy Code" shall mean the California Energy Code as amended and adopted in Chapter 6.02
- C. "Greenhouse Gas Emissions" mean gases that trap heat in the atmosphere.
- D. "Natural Gas" shall have the same meaning as "Fuel Gas" as defined in California Plumbing Code and Mechanical Code.
- E. "Natural Gas Infrastructure" shall be defined as 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 the California Mechanical Code and Plumbing Code.
- F. "Newly Constructed Building" shall be defined as a building that has never before been used or occupied for any purpose.
- G. "Design Review Permit" shall have the same meaning as specified in Chapter 15.04.805.
- H. "Use Permit" shall have the same meaning as specified in Chapter 15.04.806.
- I. "Zoning Compliance Review" shall have the same meaning as specified in Chapter 15.04.804.

### **9.64.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings.**

- A. Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings.
  - 1. Exception: Natural Gas Infrastructure may be permitted in a Newly Constructed Buildings, if the Applicant establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, "physically feasible" to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code, or the building can achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.
- B. To the extent that Natural Gas Infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.
- C. Newly Constructed Buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
- 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.

### **9.64.050 Public Interest Exemption.**

- A. Notwithstanding the requirements of this Chapter and the Greenhouse Gas Emissions and other public health and safety hazards associated with Natural

Gas Infrastructure, minimally necessary and specifically tailored Natural Gas Infrastructure may be allowed in a Newly Constructed Building provided that the entitling body establishes that the use serves the public interest. In determining whether the construction of Natural Gas Infrastructure is in the public interest, the City may consider:

- 1. The availability of alternative technologies or systems that do not use natural gas; and,
  - 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 Building shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.

**9.64.060 Periodic Review of Ordinance.**

The City shall review the requirements of this ordinance every 18 months for consistency with the California Energy Code and the Energy Commission’s mid-cycle amendments and triennial code adoption cycle as applicable.

**9.64.070 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 is declared invalid or unconstitutional.

**9.64.080 Effective Date.**

All applicable planning applications filed after the effective date of this Ordinance shall be subject to this Ordinance. The provisions of this chapter shall become effective on January 1, 2022.

Section 2. This Ordinance shall be submitted to the California Building Standards Commission following adoption as consistent with state law.

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First introduced at a regular meeting of the City Council of the City of Richmond held November 2, 2021 and finally passed and adopted at a regular meeting held \_\_\_\_\_ by the following vote:

**#I-12.**

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney