

## 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.