

ORDINANCE NO. 34-07 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADDING ARTICLE 6.45 TO THE CITY OF RICHMOND MUNICIPAL CODE ESTABLISHING GREEN BUILDING REQUIREMENTS FOR CITY BUILDING PROJECTS

Now, therefore, the City Council of the City of Richmond do ordain as follows:

SECTION 1

Article 6.45 entitled “**GREEN BUILDING REQUIREMENTS FOR CITY BUILDING AND TRADITIONAL PUBLIC WORKS PROJECTS**” is hereby added to the City of Richmond Municipal Code to read as follows:

ARTICLE 6.45

Sections:

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6.45.010 Title and purpose

The provisions of Sections 6.45.010 through 6.45.120 inclusive, shall be known as the City of Richmond “**GREEN BUILDING REQUIREMENTS FOR CITY BUILDING AND TRADITIONAL PUBLIC WORKS PROJECTS.**” The purpose of this Article is to enhance the public welfare and assure that certain civic development is consistent with the City’s desire to create a more sustainable community by incorporating Green Building measures into design, construction and maintenance of buildings. The Green Building practices referenced in this section are designed to achieve the following goals:

- a. encourage resource conservation;
- b. reduce the waste generated by construction projects;
- c. increase energy efficiency; and
- d. promote the health and productivity of residents, workers, and visitors to the City.

6.45.020 Findings

The City Council of the City of Richmond finds as follows:

- (a) The City of Richmond’s General Plan sets forth goals for preserving and improving the natural and developed environments of the City, protecting the health of its residents, workers and visitors and fostering its economy; and
- (b) The demolition, design, construction, renovation and maintenance of buildings

and structures within the City have a significant impact on the City's environmental sustainability, resource usage and efficiency, greenhouse gas emissions, waste management, and the health and productivity of residents, workers, and visitors; and

(c) Emissions from conventional construction materials such as paints, carpets, and particleboard can lead to health problems associated with poor indoor air quality, resulting in lost productivity, lowered employee morale, and increased health care costs; and

(d) Conventional building design, construction and operation methods not only can negatively affect the health of the people who live and work in them, but can also negatively impact the environment; and

(e) Building construction, operations and demolition consume 40% of total energy and raw material use, and each year in the U.S., building-related activities are responsible for 30% of the nation's carbon dioxide emissions, 40% of ozone pollution, and 35% of municipal solid waste; and

(f) Based on studies by the Alameda County Waste Management Authority (ACWMA), construction and demolition debris comprises up to 21% of materials disposed in local landfills, and opportunities exist for reducing the generation of this waste.

(g) Green Building refers to a whole systems approach to the design, construction, and operation of buildings, the benefits of which are spread throughout the systems and features of the building; and

(h) Building "green" can include, among other things, the use of certified sustainable wood products; a substantial increase in the use of high recycled content products; recycling of waste that occurs during deconstruction, demolition, and construction; enhancement of indoor air quality by the selection and use of construction materials that do not contain chemical emissions that are toxic or irritating to building occupants; modification of heating, ventilation, and air-conditioning systems to provide energy efficiency and improved indoor air; use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production; and

(i) Green Building design and construction decisions made by the City in the construction and remodeling of City buildings can result in significant cost savings and environmental benefits to the City over the life of the buildings; and

(j) It is critical to both the economic and environmental health of the City of Richmond that the City provide leadership to both the private and public sectors in the arena of energy efficiency and "green" construction; and

(k) The most immediate and meaningful way to provide such leadership is to include energy efficiency and Green Building elements in as many public City buildings and other projects as feasible; and

(l) Green Building design, construction and operational techniques are increasingly widespread in residential and commercial building construction; and

(m) At the national level, the U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED) Commercial Green Building Rating System and LEED Reference Guides, has become a leader in promoting and guiding Green Building; and

(n) At the regional level, Build It Green, developer of the GreenPoint Rating System and the New Home Construction Green Building Guidelines, and ACWMA, developer of the Multifamily Green Building Guidelines, have become leaders in promoting and guiding Green Building; and

(o) Requiring certain City Building Projects to incorporate LEED, Build It Green

or ACWMA Green Building measures is necessary and appropriate to achieve the benefits of Green Building in the City and to implement commitments made by the City of Richmond in signing the U.S. Mayors Climate Protection Agreement which commits the City of Richmond to reduction in greenhouse gas emissions; and

(p) It is in the public interest to address the appropriateness of mandating Green Building requirements for Non-Covered Projects separately from, and subsequent to, applying such requirements to Covered City Building and Traditional Public Works Projects, and accordingly, unless and until the City Council determines otherwise, the provisions of this Article shall not apply to Non-Covered Projects; and

(q) Green Building design, construction and operation further the goals set forth in the City's General Plan; and

6.45.030 Definitions

The following words and phrases whenever used in this Article shall be construed as defined as follows”

(a) “ACWMA” means the Alameda County Waste Management Authority.

(b) “ACWMA Multifamily Green Building Guidelines” means the most recent edition of a supporting document published by ACWMA that provides detailed information, resources, and standards for the Multi-Family Green Building Rating System, including information regarding the documentation required for certification.

(c) “Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity that applies to the City for the applicable permits to undertake any Covered Project within the City.

(d) “Building” means any Structure used or intended for supporting or sheltering any use or occupancy as defined in Title 24, Part 2, of the California Code of Regulations, the California Building Code.

(e) “Certified Green Building Professional” means an individual who has passed the accreditation exam issued by Build It Green in applying GreenPoint Checklist standards to building design and construction.

(f) “City” means the City of Richmond and all of its Departments and Agencies, the Richmond Housing Authority and the Richmond Community Redevelopment Agency.

(g) “City Building Project” means any Construction, Demolition or Renovation of a Building owned or occupied by a City Department or Agency.

(h) “City Funded Building Project” means any Construction, Demolition or Renovation of any Commercial, Residential or Mixed-Use Building Project within City limits for which a City Department or Agency grants, donates, lends or provides monies or services over \$300,000 in value, or is located on City owned land.

(i) "Commercial Project" refers to any retail, office, industrial, institutional, warehouse or service Building within City limits.

(j) “Conditioned Space” means an enclosed space in a Building that is provided with a mechanical heating system that has a capacity exceeding 10 Btu/(hr. x ft.²), or is provided with a mechanical cooling system that has a capacity exceeding 5 Btu/(hr. x ft.²), unless the space-conditioning system is designed and thermostatically controlled to maintain a process environment temperature less than 55°F or to maintain a process environment temperature greater than 90°F for the entire space the system serves.

(k) “Construction” means the building of any new Building or any portion thereof.

(l) “Covered Project” means:

1. Construction, Demolition or Renovation of any Building owned or occupied by a City Department or Agency that equals or exceeds 5,000 gross square feet of Conditioned Space, or
2. Construction, Demolition or Renovation of any City Funded Building Project.

The following City Building Projects and City Funded Building Projects are excluded from the above definitions:

- a. Structures listed on a national, state or local register of historical resources; or
- b. Projects exclusively consisting of seismic improvements; or
- c. Projects exclusively consisting of installation of a roof covering on an existing Building; or
- d. Projects exclusively consisting of plumbing, electrical or mechanical improvements or repairs; or
- e. Project applications submitted to and deemed complete by the Director of Planning and Building Services, or his or her designee, on or before the effective date of this Article.

(m) “Demolition” means the act of demolishing or razing any Building or any portion thereof.

(n) “Green Building” means a whole systems approach to the design, construction, and operation of Buildings and Structures that helps mitigate adverse environmental, economic, and social impacts related to Building Construction, Demolition and Renovation.

(o) “Green Building Practices” refers to the Green Building systems approach to the design, construction, and operation of Buildings and Structures. Green Building Practices such as those described in the LEED Rating System, the Build It Green New Home Construction Green Building Guidelines and ACWMA Multifamily Green Building Guidelines recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive environment.

(p) “Green Building Project Checklist” means a checklist or scorecard developed for the purpose of calculating a score on any applicable LEED Commercial Green Building Rating System, the Build It Green New Home Construction Green Building Guidelines, the ACWMA Multifamily Green Building Guidelines or any other Green Building guidelines adopted by the City Council. Covered Projects shall utilize the Green Building Project Checklist that corresponds with the Green Building Rating System approved for such use.

(q) “Green Building Rating System” means the rating system associated with a

specific guideline that is used for a Covered Project.

(r) “Green Compliance Official” means the City of Richmond official or employee who is authorized and responsible for implementing this Article for any given project. The Director of Planning and Building Services, or his or her designee, shall be the Green Compliance Official for all Covered Projects and Traditional Public Works Projects.

(s) “GreenPoint Checklist” means a checklist or scorecard developed for the purpose of calculating a score under the Build It Green New Home Construction Green Building Guidelines and the AMCWA Multifamily Green Building Guidelines

(t) “Initiated,” means officially identified and substantially funded to offset all the costs associated with the project.

(u) “LEED Rating System” means the most recent edition of the Leadership in Energy and Environmental Design Commercial Green Building Rating System, or other related LEED Rating System, approved by the USGBC.

(v) “LEED accredited professional” means an individual who has passed the LEED accreditation exam issued by the USGBC in applying LEED principles to building design.

(w) “Mixed-Use Building Project” refers to any Building within City limits that combines the uses of a Commercial Project and a Residential Project.

(x) “Multi-Family Residential Project” means any Residential Project containing more than one dwelling unit, including duplexes, apartments, condominiums, and townhouses.

(y) “New Home Construction Green Building Guidelines” means the most recent edition of a supporting document published by Build It Green that provides detailed information, resources, and standards for a Single-Family Residential Project, including information regarding the documentation required for certification.

(z) “Non-Covered Projects” means all building projects not specified as a “Covered Project.”

(aa) “Renovation” means any change, addition, or modification to an existing Building or Structure, excluding maintenance of mechanical systems.

(bb) “Residential Project” refers to any Building within City limits used for living, sleeping, eating and cooking, including assisted living facilities and senior housing. For the purposes of this Article, a Residential Project includes Multi-Family Residential Projects and Single-Family Residential Projects. A Residential Project does not include hotels, motels, inns or similar commercial enterprises wherein rooms or suites of rooms are rented for transient occupancy and are considered Commercial Projects.

(cc) “Single-Family Residential Project” means any Residential Project containing only one dwelling unit.

(dd) “Structure” means an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Code.

(ee) “Traditional Public Works Project” means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, and includes parks, traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

- (ff) “USGBC” means the U.S. Green Building Council.

6.45.040 Green Building Practices for City Building Projects

- (a) All Covered City Building Projects that are Commercial Projects and are Initiated on or after the effective date of this Article shall meet a minimum LEED “Silver” rating under the appropriate LEED Rating System for the project type or GreenPoint Checklist score of 70 points in the case of Residential Projects. All Covered City Building Projects that are Mixed-Use Projects shall meet a minimum GreenPoint Checklist score of 70 points and, if necessary, a LEED “Silver” rating under the appropriate LEED Rating System for the project type. Covered City Building Projects that exceed \$3 million in construction costs (adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine) shall be certified by the USGBC and/or Build It Green, as applicable.
- (b) All Covered City Funded Building Projects that are Commercial Projects and are Initiated on or after the effective date of this Article shall meet a minimum LEED “Silver” rating under the appropriate LEED Rating System for the project type or GreenPoint Checklist score of 70 points in the case of Residential Projects. All Covered City Funded Building Projects that are Mixed-Use Projects shall meet a minimum GreenPoint Checklist score of 70 points and, if necessary, a LEED “Silver” rating under the appropriate LEED Rating System for the project type. Covered City Funded Building Projects that exceed \$3 million in construction costs (adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine) shall be certified by the USGBC and/or Build It Green, as applicable.
- (c) All Covered City Building Projects and City Funded Building Projects which would otherwise be subject to the provisions of this Article but whose project scope is too limited to achieve sufficient points on the applicable Green Building Rating System to achieve the minimum required scoring level as determined by the Green Building Compliance Official in the pre-permitting documentation process specified in Section 6.45.080 shall be required to achieve a minimum score equaling at least 45% of all possible applicable points in the applicable Green Building Rating System.
- (d) All Covered City Building Projects and Covered City Funded Building Projects shall have a LEED accredited professional or a Certified Green Building Professional, as applicable, as a principal member of the design team for the entire duration of the project.
- (e) For purposes of reducing operating and maintenance costs and improving the health and comfort of Building occupants, City Building Projects and City Funded Building Projects that do not meet the threshold that triggers compliance with the requirements of this Article are required to meet as many of the applicable Green Building Project Checklist credits as practicable and are required to complete and submit the applicable checklist as a way of documenting the Green Building Practices that have been incorporated into the project. However, projects consisting exclusively of Demolition must divert 75% of all debris materials from landfill.
- (f) As new Green Building Rating Systems are developed, the City Council may adopt alternate rating systems and/or revise minimum adherence thresholds by Resolution.

6.45.050 Green Building Practices for Traditional Public Works Projects

The City Engineer, in cooperation with the Green Compliance Official, shall continuously revise the project specifications used in bidding Traditional Public Works Projects to include the best Green Building Practices applicable. Such revisions shall be updated as provided in Section 6.45.070(c) of this Article.

6.45.060 Promoting Green Building Practices in Non-Covered Projects

Although the requirements of this Article do not extend to Non-Covered Projects, the

City of Richmond shall promote the use of Green Building Practices in Non-Covered Projects by offering a number of resources and incentives.

The Planning and Building Services Department shall maintain a resource sheet providing information on available incentives and resources to promote Green Building Practices.

6.45.070 Compliance Standards

- (a) Covered Projects. All Covered Projects shall be constructed using the appropriate Green Building Rating System and Green Building Project Checklist for its specific project type.
- (b) Compliance as a Condition of Approval. Compliance with the provisions of this Article shall be considered a condition of any design review, zoning, subdivision, or use approvals as are necessary for a Covered Project, or consideration of a building permit for a Covered Project.
- (c) The Green Building Compliance Official shall review and update project specifications, including standards and thresholds, as necessary on a bi-annual basis and provide an annual report to the City Council regarding Green Building achievement and compliance on all Covered Projects and Traditional Public Works Projects. Such report shall also recommend alternate Green Building Rating Systems and/or revisions to the minimum adherence thresholds, if any.

6.45.080 Pre-permitting Documentation

Prior to the application for design review, zoning, subdivision, or use approvals as are necessary for the project type, or consideration of a building permit (whichever comes first) for a Covered Project, the applicant shall submit documentation indicating the measures to be used to achieve the applicable compliance standards and thresholds set forth in Section 6.45.040. The pre-permitting documentation shall include:

1. The applicable Green Building Project Checklist with an analysis of each credit claimed; and
2. A waste management plan in the case of projects consisting exclusively of Demolition; and
3. Any other documentation required by the Green Building Compliance Official that may be necessary to show compliance with this Article.

6.45.090 Review of Pre-permitting Documentation

(a) Review and Pre-Hearing Meeting. After submission of the required pre-permitting documentation as provided in Section 6.45.080, but prior to application to the City for design review, zoning, subdivision, or use approvals as are necessary for the project type, or a building permit, the Green Building Compliance Official shall review the pre-permitting documentation for compliance with this Article and meet with the Applicant to review and discuss the proposed Green Building measures for the project unless the pre-permitting documentation clearly indicates that the project exceeds the minimum applicable requirements or the project plans have been previously approved under a prior permit for the same model of Building and follows the same Green Building compliance standards and thresholds as previously approved.

(b) Approval. The Green Building Compliance Official shall approve the pre-permitting documentation only if she or he determines that the pre-permitting documentation indicates that the Covered Project can achieve the applicable compliance standards and thresholds as set forth in Section 6.45.040. If the Green Building Compliance Official determines that these conditions have been met, the pre-permitting documentation shall be marked "Tentatively Approved" and returned to the Applicant. The Green Building Compliance Official shall retain a copy of the approved pre-permitting plans and documentation in a pre-application file until such time as the Applicant has applied for and received appropriate City design review, zoning, subdivision, or use approvals as are

necessary for the project type, or building permits, at which time the pre-permitting plans and documentations shall be transferred to the project file. A building permit shall not be issued unless the pre-permitting documentation has been approved under this section or an exemption has been granted under Section 6.45.110.

(c) Non-Approval. If the Green Building Compliance Official determines that the pre-permitting documentation is incomplete or fails to indicate that the Covered Project will meet the applicable Green Building compliance threshold set forth in Section 6.45.040, she or he shall either:

1. Return the pre-permitting documentation to the Applicant marked “Denied” including a statement of reasons and shall notify the Planning and Building Services Department of the denial.
2. Return the pre-permitting documentation to the Applicant marked “Further Explanation Required,” and indicate the additional information needed.

(d) Re-Submission. If the pre-permitting documentation is returned to the Applicant, the Applicant may re-submit the pre-permitting documentation with such additional information as may be required or may apply for an exemption under Section 6.45.110.

(e) Waiver of Review. The Green Building Compliance Official may waive the initial review of pre-permitting documentation when she or he determines that the review of the pre-permitting documentation can be carried out during the City’s customary building permit plan review process, such as in the case where multiple projects of a subdivision are submitted at different times but are similar in nature.

6.45.100 Compliance Procedures

(a) Building Permit Documentation. When submitting an application for a building permit for a Covered Project, the Applicant shall:

1. Attach a copy of all approved pre-permitting documentation to the building permit application. If changes to the project are proposed, a revised Green Building Project Checklist shall be submitted indicating all differences from the approved pre-permitting documentation. Under no circumstances shall the proposed changes cause the Covered Project to be out of compliance with the applicable Green Building compliance threshold set forth in Section 6.45.040. The Green Building Compliance Official shall reject applications and return plans to the Applicant when changes to the project result in the project failing to meet the required compliance threshold.
2. Print all project approval conditions and a copy of the Green Building Project Checklist on the cover sheet of all building permit sets.

Notwithstanding any other provision of this Article, no building permit shall be issued for any Covered Project unless and until the Green Building Compliance Official has approved the pre-permitting documentation, including any subsequent changes to the Green Building Project Checklist, along with building construction documents and plans.

(b) Non-Compliance. If, as a result of any inspection, any fire marshal, health officer, building inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction over the project, determines that the project does not comply with all directions, rules and regulations of such persons, or the approved plans, or the Green Building Compliance Official determines that continuation of the project will result in failure to reach the applicable Green Building compliance threshold set forth in Section 6.45.040, a stop work order may be issued. The stop work order shall remain in effect until a determination has been made that the project will be brought into compliance with all directions, rules and regulations of any fire marshal, health officer, building inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction over the project, the approved plans and required compliance threshold levels established by the Green Building Compliance Official.

(c) Documentation for Final Compliance Determination. Documentation demonstrating compliance with this Article shall be submitted to the Green Building Compliance Official.

(d) Final Determination of Compliance. Prior to approving a final inspection for a Covered Project, the Green Building Compliance Official shall review the documentation submitted by the Applicant, along with all required inspection records and certificates for the project, and determine whether the Applicant has achieved the required compliance threshold as set forth in Section 6.45.040. If the Green Building Compliance Official determines that the Applicant has met the requirements of this Article, she or he shall make a final determination that the project is ready for a final inspection. If the Green Building Compliance Official determines that the Applicant has not achieved the required Green Building compliance threshold, she or he may find the Applicant has made a good faith effort to comply as follows:

1. Good Faith Effort to Comply. The Green Building Official may grant a Covered Project good faith effort to comply status if specific circumstances preclude compliance with the required compliance threshold set forth in Section 6.45.040. The granting of a good faith effort to comply with respect to any item on the Green Building Project Checklist, however, does not preclude the need for the Applicant to comply with other items on that checklist. A request to the Green Building Compliance Official for good faith effort to comply recognition must be in writing and may only be granted if she or he determines that the project meets one or more of the following criteria:

A. The cost for providing Green Building documentation is more than 2.5% of the total construction cost; or

B. The Green Building materials and technologies on the Green Building Project Checklist are no longer available or not yet commercially available.

6.45.110. Infeasibility Exemption

(a) Exemption. If the Applicant for a Covered Project believes that unique circumstances exist that make it infeasible to meet the requirements of this Article, the Applicant may apply for an exemption as set forth in this section. In applying for an exemption, the burden of proof is on the Applicant to demonstrate infeasibility.

(b) Application. If the Applicant for a Covered Project believes such unique circumstances exist, the Applicant may apply for an exemption at the time she or he submits the pre-permitting documentation required under Section 6.45.080 or afterward if changes in circumstances would prevent adherence to measures identified in the pre-permitting documentation. The Applicant shall indicate in the pre-permitting documentation the maximum number of credits she or he believes to be feasible for the project and explain the circumstances that she or he believes make it infeasible to fully comply with this Article. If application under this section is made after the approval of the pre-permitting documentation, the Applicant shall indicate in such application the circumstances that she or he believes prevent adherence with measures previously identified and amend the pre-permitting documentation accordingly. An infeasibility exemption shall only be made if any one of the following conditions is proven to exist:

1. There is a lack of available consulting support to comply with the compliance standards and thresholds set forth in Section 6.45.040; or
2. There is a lack of commercially available Green Building materials and technologies for specific identified measures and those measures cannot be reasonably addressed through other means; or
3. There is an irresolvable conflict with the compatibility of the requirements of the applicable Green Building Rating System and the California Building Code.

4. The applicable Green Building compliance standards do not include enough Green Building measures that are compatible with the scope of the project.

(c) Granting of Exemption. If the Green Building Compliance Official determines that it is infeasible for the Applicant to meet the requirements of this Article based upon the information provided, the Green Building Compliance Official shall return a copy of the pre-permitting documentation to the Applicant marked “Approved with Exemption.” If an exemption is granted, the Applicant must still comply with this Article in all other respects and shall be required to achieve the applicable compliance threshold, less the credits or points that would have been achieved for the exempted items.

(d) Denial of Exemption. If the Green Building Compliance Official determines that it is possible for the Applicant to meet the requirements of this Article, she or he shall so notify the Applicant in writing. The Applicant may resubmit the pre-permitting documentation in full compliance with Section 6.45.080. If the Applicant does not resubmit the pre-permitting documentation, or if the resubmitted pre-permitting documentation does not comply with Section 6.45.080, the Green Building Compliance Official shall deny approval of the pre-permitting documentation in accordance with Section 6.45.080.

6.45.120 Appeals

(a) Any person may appeal the determination of the Green Building Compliance Official to the Board of Appeals for the Planning and Building Service Department. Such appeal may concern:

1. The granting or denial of an exemption or good faith effort to comply pursuant to Section 6.45.100(d)(1).
2. Compliance or non-compliance with this Article pursuant to Section 6.45.100.

(b) Appeals to the Board of Appeals must be filed in writing with the Director of Planning and Building Services within ten (10) days of the determination by the Green Building Compliance Official. The appeal shall state the specific reason that the appellant believes the determination of the Green Building Compliance Official is in error. Within forty-five (45) days of receipt of an appeal from the Green Building Compliance Official’s decision, the Board of Appeals shall hold a hearing to consider the appeal. In reviewing the appeal, the Board of Appeals may request additional written or oral information from the Applicant or the Green Building Compliance Official. The Board of Appeals may continue the hearing to a definite date and time without additional notice. The Board of Appeals shall render a decision to approve, modify or reject the decision of the Green Building Compliance Official within thirty (30) days of the closing of the hearing.

(c) The decision of the Board of Appeals may be appealed to the City Council within ten (10) working days of the determination by the Board of Appeals. Appeals to the City Council must be made in writing to the City Clerk and state the specific reasons why the appellant believes the determination of the Board of Appeals is in error.

(d) At the time and place set for the public hearing, the City Council shall hear evidence for and against the appeal. The City Council may continue the public hearing to a definite date and time without additional notice.

(e) Within thirty (30) days of the closing of the public hearing, the City Council shall approve, modify or reject the decision of the Board of Appeals. The decision of the City Council shall be final

(f) The fee for any appeal under this section shall be set by the City Council.

(g) The Board of Appeals for the Planning and Building Service Department has not

been created as of the effective date of this Article. Until such time as the City Council creates and empowers such Board of Appeals, appeals from the determination of the Green Building Compliance Official shall be made to the City Manager in accordance with this section.

SECTION 2

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 3

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4

This Ordinance shall be effective 30 days after passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on July 17, 2007, and finally passed and adopted at a regular meeting held on September 18, 2007 by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmembers Thurmond and Viramontes

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE, Interim
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. 34-07 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on September 18, 2007, and published in accordance with law.