



Town of Moraga	Agenda Item
Resolutions, Ordinances, Requests for Action	10.A

Meeting Date: May 24, 2023

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

**From: Afshan Hamid, Planning Director
Mio Mendez, Associate Planner**

Subject: Consider Introducing by Title Only and Waiving Further Reading of Ordinance No. ____ Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04 “Buildings and Construction” of Title 15 and Adopting by Reference Certain Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code (California Code of Regulation, Title 24 Parts 2, 2.5, 11, 3, 5, 4 and 10) and Making Certain Amendments Thereto and finding the Ordinance exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations)

Recommended Action

Staff recommends that Council introduce by title only and waive further reading of Ordinance No. ____ Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04 “Buildings and Construction Codes” of Title 15 and Adopting by Reference Certain Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code (California Code of Regulation, Title 24 Parts 2, 2.5, 11, 3, 5, 4 and 10) and Making Certain Amendments Thereto and finding the Ordinance exempt from CEQA pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

1 **Background**

2
3 The California Building Standards Commission has adopted the 2022 California Building
4 Standards Code (“CBSC”), replacing the 2019 CBSC. The CBSC includes the California
5 Building, Residential, Electrical, Plumbing, Mechanical, Green Building Standards, Fire,
6 Energy, Historical Building and Existing Building Codes (“Building Codes”). These
7 statewide codes are effective as of January 1, 2023. The 2022 Building Codes represent
8 the new minimum required standards for building construction in California. The 2022
9 editions of the Building Codes reflect changes in technology, fire safety techniques, and
10 updates in the building industry. Although these codes apply statewide, Health and Safety
11 Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change
12 these codes and establish more restrictive building standards if the local jurisdiction finds
13 that the changes and modifications are reasonably necessary because of local climatic,
14 geological, topographical, or environmental conditions.
15

16 Contra Costa County Department of Conservation and Development (the County)
17 provides CBSC compliance and building inspection services within the Town of Moraga
18 on a contract basis. At a public hearing held on November 8, 2022, the Contra Costa
19 County Board of Supervisors adopted Ordinance 2022-35 (Attachment C), which adopts
20 the 2022 editions of the Building Codes with modifications to those codes to reflect local
21 conditions. These codes are mostly procedural and are more restrictive than those
22 adopted by the State. The County recommended local amendments to address area wide
23 conditions that are contained in the proposed Ordinance to address the risk of seismic
24 activity, to protect public health and safety, and to promote sustainable energy and waste
25 management policies and practices. Pursuant to the June 17, 1975, Joint Exercise of
26 Powers Agreement (JEPA) between the Town of Moraga and Contra Costa County, the
27 Town of Moraga is required to adopt the Contra Costa County Ordinance within 120 days
28 of the date that the Town is notified of the change in the code. The Town of Moraga is
29 currently out of compliance due to direction needed on several amendments made by the
30 County to the 2022 CBSC. Those amendments can have significant effects on
31 development within the Town of Moraga. Due to potential effects on development within
32 Moraga, it was in the Town’s best interest to review the amendments made by the County
33 and complete the adoption of the 2022 CBSC in a manner that works best for the Town
34 of Moraga. Currently, development is being reviewed under the 2022 CBSC minus the
35 amendments made by the County.
36

37 **Discussion**

38
39 During the Town Council study session, Council discussed and provided direction
40 regarding the County’s amendments to the CBSC. The Town Council provided direction
41 to adopt a majority of the County’s amendments. Of those amendments, the Town
42 Council discussed in more detail two topics: Construction and Demolition (C&D) recycling,
43 and the all-electric building code.
44

45 The Town Council discussed amendments to the 2022 California Green Building
46 Standards Code (CalGreen) for C&D recycling. The Town Council reviewed the
47 amendments to the 2022 California Green Building Standards Code (CalGreen) and
48 discussed the C&D Recycling process ratified by Moraga Municipal Code (MMC)

1 Ordinance Number 255 §2, 9-9-2015, a model Ordinance recommended by
2 RecycleSmart, of which the Town and several other cities within Contra Costa are
3 members of. RecycleSmart approves and certifies C&D facilities for compliance with C&D
4 diversion requirements set by the California Green Building Code Standards in pursuit of
5 AB 939 (The California Waste Management Act). Since the Town has its own local C&D
6 recycling Ordinance, the Town Council provided direction to maintain Moraga Municipal
7 Code § 15.08 as it is found to be more encompassing of projects that trigger Moraga’s
8 C&D Recycling process than the amendments adopted by the County. The Town Council
9 chose not to adopt the County’s amendments regarding C&D Recycling.

10
11 The second topic the Town Council discussed was the All- Electric Building Code and the
12 findings made by the County to adopt the All-Electric Building Code. Council discussed
13 what projects triggered the All-Electric Building Code, how long of a grace period is
14 provided to the public before the All-Electric Building Code takes effect, and how the
15 findings gathered justify the adoption of the All-Electric Building Code. Town Council
16 provided direction to adopt the All-Electric Building Code. However, on April 17, 2023, a
17 three judge panel for the 9th Circuit Court of Appeals issued its decision was in *California*
18 *Restaurant Association v. City of Berkely*, 65 F.4th 1045 (9th Cir. 2023) finding that the
19 City of Berkeley’s ordinance was a “regulation concerning the energy use” of a covered
20 product and finding that the City of Berkeley’s all electric building requirements were
21 preempted by the Energy Policy and Conservation Act (EPCA). The 9th Circuit panel
22 found that the preemption provision of the EPCA “encompasses building codes that
23 regulate natural gas use by covered products,” including by eliminating the use of natural
24 gas.

25
26 It is unclear whether the 9th Circuit panel’s decision will be appealed to the full 9th Circuit
27 Court of Appeals. Due to this recent development directly affecting the All-Electric
28 Building Code it is staff’s recommendation to adopt the 2022 California Building
29 Standards Code as amended by Contra Costa County with the exception of the C&D
30 Recycling process and the All-Electric Building Code at this time. The JEPA allows for the
31 Town to not adopt certain amendments to the CBSC that do not apply to the Town.

32
33 In summary, the CBSC amendments adopted by the County are non-substantive in
34 response to the local climatic, geological, and topographical conditions unique to Contra
35 Costa County. Below is a summary of the amendments that would be made through the
36 proposed Ordinance.

- 37
38 1. Contra Costa County made the following changes to the California Building Code:
39
40 • Clarifying the reference to electrical vehicle charging for new residential
41 constructions to include both future and fully operational chargers in accordance
42 with local amendments made to the CGBSC.
43
44 • Requiring the installation of a smoke detector in each existing flat roof building
45 when a pitched roof is added on top of the existing flat roof, and the solid sheathing
46 of the flat roof is not removed. The Board did this to address safety concerns.
47

- 1 • Requiring most wood shakes or shingles used for exterior wall covering to be fire
2 treated to address life safety.
3
4 • Requiring special inspections for concrete compressive strength at certain
5 foundations to be consistent with code requirements for concrete at other
6 locations.
7
8 • Addressing the poor performance of plain concrete structural elements during
9 seismic events.
10
11 • Prohibiting placement of reinforcement while the concrete is in a semifluid
12 condition thus increasing quality control during construction. Enhanced quality
13 control is necessary because of seismic considerations.
14
15 2. Contra Costa County made the following amendments to the 2022 California
16 Residential Code by:
17
18 • Requiring the installation of a smoke detector in each existing flat roof building
19 when a pitched roof is added on top of the existing flat roof, and the solid sheathing
20 of the flat roof is not removed. The Board did this to address safety concerns.
21
22 • Prohibiting the use of gypsum wallboard as braced wall panels in single- and two-
23 family dwellings and accessory structures, and by limiting the use of Portland
24 Cement Plaster braced walls to only one-story single- and two-family dwellings, as
25 these materials have performed poorly during recent California seismic events.
26 This is to address life safety concerns.
27
28 3. Contra Costa County made the amendment to the 2022 California Green Building
29 Standards Code by Imposing more restrictive electric vehicle charging standards,
30 as follows:
31
32 • Amending the definition of electric vehicle charging space to include both current
33 and future installations in contrast to the statewide code that includes only future
34 installations in the definition.
35

36 For new multi-family buildings:
37

- 38 • Requiring ten percent of the total number of parking spaces (but not less than one
39 space) be fully operational Electric Vehicle Charging Spaces (“EV spaces”) for all
40 multi-family buildings irrespective of the number of units. Statewide code only
41 requires five percent fully operational EV spaces for new multi-family
42 developments with 20 or more units. The Board did this to encourage and promote
43 the use of electric vehicles, which reduce greenhouse gas emissions and further
44 the County’s climate action goals.
45
46
47
48

1 For new non-residential buildings:
2

- 3 • Requiring that a minimum of ten percent of the total number of parking spaces in
4 new construction be fully operational Electric Vehicle Charging Stations (“EVCS”).
5 The statewide code requires 4-5 percent of the total number of parking spaces be
6 EVCS.
7
- 8 • Requiring fully functional EVCS where the total number of parking spaces provided
9 exceeds 9. Statewide code requires fully functional EVCS where the total number
10 of parking spaces provided exceeds 25.
11
- 12 • Imposing more restrictive construction waste reduction, disposal and recycling
13 standards consistent with those presently enforced in the County as follows:
14
 - 15 ○ Imposing the mandatory restrictions from Chapter 4 of the 2022 CGBSC on
16 certain projects for existing residential buildings, including:
17
 - 18 ○ Projects that increase the total combined conditioned and unconditioned
19 building area by 5,000 square feet or more.
20
 - 21 ○ Projects that impact 5,000 square feet or more of the total combined
22 conditioned and unconditioned building area.
23
 - 24 ○ Demolition projects when a demolition permit is required, except demolition
25 projects that are necessary to abate a public nuisance.
26
 - 27 ○ Eliminating the exception from construction waste management
28 requirements for projects solely based on their isolated location from
29 diversion facilities.
30
 - 31 ○ Requiring measuring of all generated debris to ensure that at least 65% is
32 diverted from landfills.
33
 - 34 ○ Requiring more comprehensive documentation for construction waste
35 management be provided to the enforcing agency and making submittal of
36 the same a prerequisite for scheduling final inspections.
37

38 As stated above, local governments are specifically authorized to amend the standards
39 contained in the Building Codes to establish more-restrictive standards that are
40 reasonably necessary because of local climatic, geological, or topographical conditions.
41 In amending Title 24, local governments must make findings in accordance with Health &
42 S C §17958.7. Health & S C §18941.5(b).
43

44 At the study session on April 12, 2023, the question regarding findings made by Contra
45 Costa County to establish more restrictive building standards because of local climatic,
46 geological, topographical, or environmental conditions was discussed. As explained
47 during the study session, the findings are based on data gathered from several different

1 resources and the conditions of said data describe the current environment of Contra
2 Costa County. The Town of Moraga is a local jurisdiction located within the County and
3 would therefore have the same climatic, geological, topographical, or environmental
4 conditions. The local environmental conditions (Attachment B) finds that there are building
5 and fire hazards unique to Contra Costa County that require more restrictive fire
6 protections, structural and design load requirements, and energy management policies.

7
8 If the Council introduces the proposed Ordinance, staff recommends that the second
9 reading of the Ordinance be scheduled for a public hearing on June 14, 2023. The Town
10 Clerk will publish notice of the hearing in accordance with Government Code sections
11 50022.2 and 50022.3.

12 **California Environmental Quality Act**

13
14
15 The proposed ordinance is exempt from the California Environmental Quality Act
16 (“CEQA”), in that the adoption of State codes and the local amendments herein described
17 do not have the potential for causing a significant effect on the environment, pursuant to
18 Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of
19 the California Code of Regulations).

20 **Fiscal Impact**

21
22
23 The time and publication costs to prepare the Ordinance were borne by the Planning
24 Department’s operating budget.

25 **Alternatives**

- 26
27
- 28 1. Consider introducing by title only and waiving further reading of Ordinance No.
29 _____ Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04
30 “Buildings and Construction Codes” of Title 15 and Adopting by Reference Certain
31 Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022
32 California Building Code, the 2022 California Residential Code, the 2022 California
33 Green Building Standards Code, the 2022 California Electrical Code, the 2022
34 California Plumbing Code, the 2022 California Mechanical Code, and the 2022
35 California Existing Building Code (California Code of Regulation, Title 24 Parts 2,
36 2.5, 11, 3, 5, 4 and 10) and Making Certain Amendments Thereto and finding the
37 Ordinance exempt from CEQA pursuant to Sections 15061(b) (3) and 15378(b) (5)
38 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).
 - 39
40 2. Provide alternate direction to staff to amend the proposed Ordinance with some or
41 alternate amendments to those proposed by Contra Costa County.
 - 42
43 3. Take no action. In this case, the 2022 State Building Codes will continue to apply
44 within the Town without any amendments.

45
46 **Report reviewed by: Scott Mitnick, Town Manager**
47 **Denise Bazzano, Assistant Town Attorney**

- 1 **Attachments:**
2 A. Draft Ordinance
3 B. Contra Costa County Findings in Support of Changes, Additions, and
4 Deletions to Statewide Building Standards Code
5 C. Contra Costa County Ordinance No. 2022-35, Adopting the 2022 California
6 Building Code, the 2022 California Residential Code, the 2022 California
7 Green Building Standards Code, the 2022 California Electrical Code, the
8 2022 California Plumbing Code, the 2022 California Mechanical Code, and
9 the 2022 California Existing Building Code with Changes, Additions and
10 Deletions.
11 D. [Linked](#) April 12, 2023, Town Council Staff Report
12 E. Redline of December 11, 2019, proposed Ordinance, Affected Pages Only.

ATTACHMENT A

Ordinance No. ____ Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04 “Buildings and Construction” of Title 15 and Adopting by Reference Certain Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code (California Code of Regulation, Title 24 Parts 2, 2.5, 11, 3, 5, 4 and 10) and Making Certain Amendments Thereto and finding the Ordinance exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations)

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

Repealing and Replacing Moraga)
Municipal Code (MMC) Chapter 15.04)
“Buildings and Construction” of Title 15)
and Adopting by Reference Certain)
Sections of Contra Costa County)
Ordinance No. 2022-35, which Adopts the)
2022 California Building Code, the 2022)
California Residential Code, the 2022)
California Green Building Standards)
Code, the 2022 California Electrical Code,)
the 2022 California Plumbing Code, the)
2022 California Mechanical Code, and the)
2022 California Existing Building Code)
(California Code of Regulation, Title 24)
Parts 2, 2.5, 11, 3, 5, 4 and 10); and)
Making Certain Amendments Thereto)
and Finding the Ordinance Exempt from)
California Environmental Quality)
Act _____)
)

ORDINANCE NO. XXX

WHEREAS, on June 17, 1975 the Town of Moraga ("Town") entered into a Joint Exercise of Powers Agreement with the County of Contra Costa ("County") requiring the Town to enact and maintain building code ordinances that are "identical in all material respects with the corresponding County Codes now in force in the County;" and

WHEREAS, on November 8, 2022 the County Board of Supervisors adopted County Ordinance No. 2022-35 (the "County Ordinance") adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, and the 2022 California Mechanical Code and 2022 California Existing Buildings Code (collectively, the "Statewide Codes") which are found at the California Code of Regulations, Title 24, Parts 2, 2.5, 11, 3, 5, 4 and 10) with amendments pursuant to Health and Safety Code Sections 17958.5 and 18941.5; and

WHEREAS, in connection with adoption of the County Ordinance, the County made certain findings (the "County Findings") required by Health and Safety Code Sections 17985.7 related to the local climatic, geological, topographical and environmental conditions that make reasonably necessary the County Ordinance's amendments to the Statewide Codes; and

WHEREAS, the Town has reviewed the County Ordinance and the County Findings and now desires to adopt by reference the County Ordinance and to independently make the findings required pursuant to Health and Safety Code Section 17985.7; and

WHEREAS, the Town held a Study Session meeting on April 12, 2023 to discuss reach codes adopted by Contra Costa County Board of Supervisors. Town Council provided direction to staff to bring forward changes proposed within this Ordinance; and

WHEREAS, a copy of this Ordinance, the County Ordinance, and the Statewide Codes have been on file and available for public inspection in the office of the Town Clerk for at least 72 hours prior to consideration of the Ordinance and will continue to be available for as long as this Ordinance remains in effect.

WHEREAS, on May 24, 2023, the Town Council held a public meeting and introduced by title only an Ordinance XX-2023 Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04 “Building Codes” of Title 15 and Adopting by Reference Certain Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code and Making Certain Amendments Thereto and scheduled the public hearing date for the second reading of the Ordinance for June 14, 2023.

WHEREAS, the Town has given proper notice of the adoption of the various building codes and standards by reference pursuant to California Government Code sections 50022.2 and 50022.3.

THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 Repeal and Replace.

Moraga Municipal Code Section 15.04 – “Buildings and Construction” within Title 15 is deleted in its entirety and replaced with the following:

“Title 15 - BUILDINGS AND CONSTRUCTION

CHAPTER 15.04 - BUILDING CODES

15.04.010 – Findings regarding local climatic, topographical and geological conditions pursuant to Health and Safety Code Section 17958.7.

The California Building Standards Commission has adopted and published the 2022 Building Standards Code, which is comprised of the 2022 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development which also provides building inspection services to the town.

authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. For amendments to the California Green Building Standards Code, local climatic, geological, and topographical conditions include local environmental conditions.

Contra Costa County Ordinance No. 2022-35 adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors found, and the Town Council of Moraga similarly finds, that most of the more restrictive standards contained in Ordinance No. 2022-35 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below and exist in the Town of Moraga, within Contra Costa County and support the local amendments.

I. Local Conditions.

A. Geological and Topographic.

1. Seismicity.

(a) Conditions.

Contra Costa County is located in Seismic Design Categories D and E which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. E, which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30-year likelihood of one or more earthquake of 6.7 or larger magnitude is seventy-two (72) percent. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next thirty (30) years.

Interstates 680, 80, 580 and State Route 4 run throughout Contra Costa County. These interstates and state route divide the County into west, south, north, and east areas. An

overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment.

Earthquakes of the magnitude noted above could cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, causing disruption and potentially starting fires throughout the county.

(b) Impact.

A major earthquake could severely restrict the response of Contra Costa County Fire Districts and their capability to control fires. When buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires may develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the county to fault traces necessitates adopting stricter structural construction standards.

2. Soils.

(a) Conditions.

The area is replete with various soils, many of which are expansive. Many areas have landslide prone soils and some areas are potentially liquefiable during severe seismic shaking. Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable preventing fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic.

(a) Conditions.

(i) Vegetation.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the county. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

(ii) Surface Features.

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for fire district resources in and to district areas.

(iii) Buildings, Landscaping, and Terrain.

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by fire district vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for fire district vehicles adversely affect fire suppression efforts.

When fire district vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often impacts fire personnel response both in terms of the numbers that can reach the site and in the stamina of those fighting the fire. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact.

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Town's fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are caused by natural gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat and may be unavailable for smaller single dwellings that affected or threatened by broken gas lines.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards would not impact the availability of

fire or public safety resources.

B. Climatic.

1. Precipitation and Relative Humidity.

(a) Conditions.

Precipitation ranges from fifteen (15) to twenty-four (24) inches per year with an average of approximately twenty (20) inches per year. Ninety-six (96) percent of precipitation falls during the months of October through April, and four percent from May through September. May through September is a dry five (5) month period each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, and fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact.

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single- family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the fire district resulting in an excessive fire loss.

2. Greenhouse Gas Emissions.

(a) Conditions.

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies " transportation" (all on-road vehicles such as automobiles and trucks, and off-road vehicles such as trains, ships, aircraft, and farm equipment) as a primary pollution source. According to the 2019 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for thirty-nine-point seven (39.7) percent of the total greenhouse gas emissions. Emissions from recycling and waste, comprising 2% of the total greenhouse gas emissions, have grown by 20% since 2000, and 96% of that amount is landfill emissions. California adopted land use and transportation policies to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

(b) Impact.

More restrictive electric vehicle charging standards would be consistent with the intent of state legislation and county and town requirements to aggressively implement energy policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy goals.

3. Temperature.

(a) Conditions.

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact.

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the fire districts in Contra Costa County. The change of temperatures throughout the county between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards would not have a negative impact on the temperature conditions within the county.

4. Winds.

(a) Conditions.

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact.

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non- irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards would not have a negative impact on the wind conditions within the County.

15.04.015 - Necessity of More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors found and the Town Council of Moraga finds that there are building and fire hazards unique to Contra Costa County and the Town of Moraga that require more restrictive fire protection, structural and design load requirements, and energy and waste management policies set forth in Ordinance No. 2022-35.

15.04.020 - Adoption of portions of the Contra Costa County Ordinance Code.

The following portions of the Ordinance Code of Contra Costa County, California are adopted by reference under the authority of Sections 50020-50022.9 of the California Government Code:

The provisions of County Ordinance 2022-35, approved by the Contra Costa County Board of Supervisors on November 8, 2022, adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code with changes, additions and deletions to the County Ordinance Code Sections as listed in Section II through Section X of said County Ordinance with the exemptions of Section III subsections 301.3.2, Waste Diversion, of the 2022 California Green Building Standards Code (CGBSC) Chapter 3, section 4.408.1 of the CGBSC Chapter 4 Construction Waste Management, section 4.408.2 of the CGBSC Chapter 4 Construction Waste Management Plan, section 4.408.5 of the CGBSC Chapter 4 Waste Management Plan Documentation, section 5.408.1 of the CGBSC Chapter 5 Nonresidential Construction Waste

Management, section 5.408.1.1 of the CGBSC Chapter 5 Nonresidential Construction Waste Management Plan, section 5.408.1.4 Nonresidential Waste Management Plan Documentation, Section 100.0(e)(2)(A) of Subchapter 1 of the 2022 California Energy Code (CEnC) All-Electric Building Code, Section 100.0(b) of the CEnC Subchapter 1 All Electric Building Definition that are necessary because of local climatic, geological, or topographical conditions. The ordinance from which this chapter derives is adopted pursuant to Health and Safety Code Sections 17922, 17958, 17958.5, and 17958.7, and Government Code Sections 50020 through 50022.10.

SECTION 2 Publication.

The Town Clerk shall cause this Ordinance to be published in accordance with State Law.

SECTION 3. Environmental Review.

The proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations)

SECTION 4. Severability. The Town Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 5. Effective Date. This Ordinance shall be effective thirty days after the ordinance is adopted.

The foregoing Ordinance first reading was introduced at a regular meeting of the Town Council of the Town of Moraga held on May 24, 2023 and was adopted and ordered published at a regular meeting of the Town Council on June 14, 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Renata Sos, Mayor

ATTEST:

Yashin Abbas, Interim Town Clerk

ATTACHMENT B

Contra Costa County Findings in Support of Changes, Additions,
and 3 Deletions to Statewide Building Standards Code

CONTRA COSTA COUNTY
**FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS
TO STATEWIDE BUILDING STANDARDS CODE**

The California Building Standards Commission has adopted and published the 2022 Building Standards Code, which is comprised of the 2022 California Building, Residential, Green Building Standards, Energy, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. For amendments to the California Green Building Standards Code, local climatic, geological, and topographical conditions include local environmental conditions.

Ordinance No. 2022-35 adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors finds that the more restrictive standards contained in Ordinance No. 2022-35 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Design Categories D and E, which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for

the San Francisco region, the 30-year likelihood of one or more earthquake of 6.7 or larger magnitude is 72%. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next 30 years.

Interstates 680, 80, 580 and State Route 4 run throughout Contra Costa County. These interstates and state route divide the County into west, south, north and east areas. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment.

Earthquakes of the magnitude noted above could cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, causing disruption and starting fires throughout the County.

(b) Impact

A major earthquake could severely restrict the response of Contra Costa County Fire Districts and their capability to control fires. When buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires may develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces necessitates adopting stricter structural construction standards.

2. Soils

(a) Conditions

The area is replete with various soils, many of which are expansive. Many areas have landslide prone soils and some areas are potentially liquefiable during severe seismic shaking.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding 20%. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated

that during an earthquake, several of these roads would be unpassable preventing fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i) Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations 6 to 8 months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii) Buildings, Landscaping, and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life

and damage than the earthquake itself. Most earthquake fires are caused by natural gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat and may be unavailable for smaller single dwellings that affected or threatened by broken gas lines.

Other variables may intensify the situation:

1. The extent of damage to the water system
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards, construction and demolition waste recovery requirements, and building electrification requirements would not impact the availability of the County's fire or public safety resources.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. 96% of precipitation falls during the months of October through April, and 4% from May through September. May through September is a dry 5-month period each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from 45 to 65% during spring, summer, and fall, and from 60 to 90% in the winter. It occasionally falls as low as 15%.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single-family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Greenhouse Gas Emissions

(a) Conditions

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies “transportation” (all on-road vehicles such as automobiles and trucks, and off-road vehicles such as trains, ships, aircraft, and farm equipment) as a primary pollution source. According to the 2019 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for 39.7% of the total greenhouse gas emissions. Emissions from recycling and waste, comprising 2% of the total greenhouse gas emissions, have grown by 20% since 2000, and 96% of that amount is landfill emissions. California adopted land use and transportation policies and mandatory recycling laws to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

Contra Costa County also completed a local greenhouse gas emissions inventory as well as a community-wide Climate Action Plan. The County’s Climate Action Plan contains measures reducing greenhouse gas emissions pertaining to renewable fuel vehicles and reducing landfill disposal for the purpose of reducing greenhouse gas emissions.

(b) Impact

More restrictive electric vehicle charging standards, construction and demolition waste recovery requirements, and building electrification requirements would be consistent with the intent of State legislation and County requirements to aggressively implement energy and waste policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy and recycling goals.

3. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards, construction and demolition waste recovery requirements, and building electrification requirements would not have a negative impact on the temperature conditions within the County.

4. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach 14 mph to 23 mph ranges, gusting to 25 to 35 mph. 40 mph winds are experienced occasionally and winds up to 55 mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards, construction and demolition waste recovery requirements, and building electrification requirements, would not have a negative impact on the wind conditions within the County.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors finds that there are building and fire hazards unique to Contra Costa County that require the more restrictive fire protection, structural and design load requirements, and energy and waste management policies set forth in Ordinance No. 2022-35.

- The ordinance amends the 2022 California Building Code by:
 - Clarifying the reference to electrical vehicle charging for new residential constructions to include both future and fully operational chargers in accordance with local amendments made to the CGBSC. (§74-4.002(b).)
 - Requiring the installation of a smoke detector in each existing flat roof building when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. (§ 74-4.002(c).)
 - Requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§ 74-4.002(d).)

- Requiring special inspections for concrete compressive strength at certain foundations to be consistent with code requirements for concrete at other locations. (§ 74-4.002(e).)
- Addressing the poor performance of plain concrete structural elements during seismic events. (§ 74-4.002(f), § 74-4.002(h), § 74-4.002(i).)
- Prohibiting placement of reinforcement while the concrete is in a semifluid condition thus increasing quality control during construction. Enhanced quality control is necessary because of seismic considerations. (§ 74-4.002(g).)
- The ordinance amends the 2022 California Residential Code by:
 - Requiring the installation of a smoke detector in each existing flat roof building when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. (§ 74-4.004(c).)
 - Prohibiting the use of gypsum wallboard as braced wall panels in single- and two-family dwellings and accessory structures, and by limiting the use of Portland Cement Plaster braced walls to only one story single- and two-family dwellings, as these materials have performed poorly during recent California seismic events. (§74-4.004(d), and §74-4.004(e).)
- The ordinance amends the 2022 California Green Building Standards Code by:
 - Imposing more restrictive electric vehicle charging standards, as follows:
 - Amending the definition of electric vehicle charging space to include both current and future installations in contrast to the statewide code that includes only future installations in the definition. (§ 74-4.006(a).)
 - For new multi-family buildings:
 - Requiring ten percent of the total number of parking spaces (but not less than one space) be fully operational Electric Vehicle Charging Spaces (“EV spaces”) for all multi-family buildings irrespective of the number of units. Statewide code only requires five percent fully operational EV spaces for new multi-family developments with 20 or more units. (§ 74-4.006(d), § 74-4.006(f).)
 - For new non-residential buildings:
 - Requiring that a minimum of ten percent of the total number of parking spaces in new construction be fully operational Electric Vehicle Charging Stations (“EVCS”). The statewide code requires 4-5 percent of the total number of parking spaces be EVCS. (§ 74-4.006(k).)
 - Requiring fully functional EVCS where the total number of parking spaces provided exceeds 9. Statewide code requires fully functional EVCS where the total number of parking spaces provided exceeds 25. (§ 74-4.006(k).)
 - Imposing more restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County as follows:
 - Imposing the mandatory restrictions from Chapter 4 of the 2022 CGBSC on certain projects for existing residential buildings, including:
 - Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more. ((§ 74-4.006(b).)

- Projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area. ((§ 74-4.006(b).)
 - Demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance. (§ 74-4.006(b), and § 74-4.006(c).)
 - Eliminating the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities. ((§ 74-4.006(g).)
 - Requiring measuring of all generated debris to ensure that at least 65% is diverted from landfills. (§ 74-4.006(j), and § 74-4.006(p).)
 - Requiring more comprehensive documentation for construction waste management be provided to the enforcing agency and making submittal of the same a prerequisite for scheduling final inspections. (§ 74-4.006(h), and § 74-4.006(n).)
- The amendments to the 2022 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code, and to be consistent with the administrative provisions of the statewide codes as amended.
- The ordinance amends the 2022 California Energy Code by:
 - Adding the definition of an all-electric building to mean a building that has no natural gas or propane plumbing within the building, and that uses electricity as its sole source of energy. (§ 74-4.010(b).)
 - Requiring that all newly constructed residential, detached accessory dwelling unit, hotel, office, and retail type buildings that do not have vested rights before June 1, 2022 be all-electric buildings. The statewide code has no mandatory building electrification requirements. (§ 74-4.010(a).)

ATTACHMENT C

Contra Costa County Ordinance No. 2022-35, Adopting the 2022 California 5 Building Code, the 2022 California Residential Code, the 2022 California 6 Green Building Standards Code, the 2022 California Electrical Code, the 7 2022 California Plumbing Code, the 2022 California Mechanical Code, and 8 the 2022 California Existing Building Code with Changes, Additions and 9 Deletions.

ORDINANCE NO. 2022-35

ADOPTION OF CALIFORNIA BUILDING STANDARDS CODES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Energy Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code, with changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions. This ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10.

SECTION II. Section 74-2.002 (Adoption) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

74-2.002 Adoption.

- (a) The building code of this county is the 2022 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2022 California Residential Code (California Code of Regulations, Title 24, Part 2.5), the 2022 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), the 2022 California Existing Building Code (California Code of Regulations, Title 24, Part 10), and the 2022 California Energy Code (California Code of Regulations, Title 24, Part 6), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2022 California Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) The 2022 California Residential Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (d) The 2022 California Green Building Standards Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (e) The 2022 California Existing Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

- (f) The 2022 California Energy Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (g) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (h) As of the effective date of the ordinance from which this division is derived, the provisions of the building code are controlling and enforceable within the county. (Ords. 2022-35 § 2, 2022-02 § 2, 2019-31 § 2, 2016-22 § 2, 2013-24 § 2, 2011-03 § 2, 2007-54 §3, 2002-31 § 3, 99-17 § 5, 99-1, 90-100 § 5, 87-55 § 4, 80-14 § 5, 74-30.)

SECTION III. Chapter 74-4 (Modifications) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

**Chapter 74-4
MODIFICATIONS**

74-4.002 Amendments to CBC. The 2022 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Building Code.

- (a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:
 - (1) Sections 103 and 113 of CBC Chapter 1 are deleted.
 - (2) Section 105.2 (Work exempt from permit) of CBC Chapter 1, subsection 4 is amended to read:
 - 4. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
 - (3) Section 107.2.1 (Information on construction documents) of CBC Chapter 1 is amended to read:

107.2.1 Information on Construction Documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of

the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (4) Section 110.1 (Inspections - General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the county building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 420.14 [HCD] (Electric vehicle (EV) charging for new construction) of CBC Chapter 4 (Special Detailed Requirements Based on Occupancy and Use) is amended to read:

420.14 Electric vehicle (EV) charging for new construction. Newly constructed Group R-1, R-2, and R-3 buildings shall be provided with infrastructure to facilitate future installation and use of electric vehicle (EV) chargers, and, where required, newly constructed Group R-2 buildings shall be provided with electric vehicle charging spaces equipped with fully-operational EV chargers, in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.1.

- (c) Section 907.2.11.2.5.1 is added to Section 907.2.11.2.5 (Existing Group R occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.2.5.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

- (d) Section 1405.2 is added to Section 1405 (Combustible materials on the exterior side of exterior walls) of CBC Chapter 14 (Exterior Walls), to read:

1405.2 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the

exterior wall (including shakes or shingles) to the property line or the exterior wall faces a street.

- (e) In Section 1705.3 (Concrete construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:
 - 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).
- (f) Section 1809.8 (Plain concrete footings) of CBC Chapter 18 (Soils and Foundations) is deleted.
- (g) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception 3.
- (h) Section 1905.1.7 (ACI 318, Section 14.1.4) of CBC Chapter 19 (Concrete) is amended to read:

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E, or F.

14.1.4.1- Structures assigned to Seismic Design Category C, D, E, or F shall not have elements of structural plain concrete, except as follows:

- (a) Reserved.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
- (c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

- (i) Section 1906 (Footings for light-frame construction) of CBC Chapter 19 (Concrete) is deleted.
- (j) Section 1907.1 (Minimum Slab Provisions - General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have a minimum reinforcement of 6-inch by 6-inch by 10-gauge wire mesh or equal at mid-height.
- (k) Appendix C and Appendix I of the CBC are incorporated into the County building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the County building code. (Ords. 2022-35 § 3, 2019-31 § 3, 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3, 2007-54 § 4, 2002-31 § 3, 99- 17 § 6, 99-1, 90-100 § 6, 87-55 § 5, 80-14 § 6, 74-30 § 1.)

74-4.004 Amendments to CRC. The 2022 California Residential Code ("CRC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Residential Code.

- (a) Sections R103 and R112 of CRC Chapter 1 (Scope and Application) are deleted.
- (b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:
 - 3. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
- (c) Section R314.8.1.1 is added to Section R314.8 (Existing Group R-3 occupancies) of CRC Chapter 3 (Building Planning), to read:

R314.8.1.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.
- (d) Section R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:
 - (1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)ⁱ

(2) Footnote "i" is added to Table R602.10.3(3), to read:

- i. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story dwellings and accessory structures.

(e) Section R602.10.4.5 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall Construction), to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, but gypsum board is permitted to be installed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story dwellings and accessory structures.

(f) Appendix AH and Appendix AX of the CRC is incorporated into the County building code. Appendix AA, Appendix AB, Appendix AC, Appendix AD, Appendix AE, Appendix AF, Appendix AG, Appendix AI, Appendix AJ, Appendix AK, Appendix AL, Appendix AM, Appendix AN, Appendix AO, Appendix AP, Appendix AQ, Appendix AR, Appendix AS, Appendix AT, Appendix AU, Appendix AV, Appendix AW, Appendix AY, and Appendix AZ of the CRC are excluded from the County building code. (Ords. 2022-35 § 3, 2019-31 § 3, 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3.)

74-4.006 Amendments to CGBSC. The 2022 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Green Building Standards Code.

(a) Section 202 (Definitions) of CGBSC Chapter 2 (Definitions) is amended by replacing the definition of Electric Vehicle Charging Space (EV Space) with the following:

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). A space intended for current or future installation of EV charging equipment and charging of electric vehicles.

(b) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and within the specific area of the addition or alteration.

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings. See Section 4.106.4.3 for application.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

- (c) Section 301.3.2 (Waste diversion) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.3.2 Waste diversion. The requirements of Section 5.408 shall apply to additions, alterations, and demolition whenever a permit is required for work.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

- (d) Section 4.106.4.2.1 (Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended by adding the following Item 3 to the end of the section:

3. EV Chargers. Ten (10) percent of the total number of parking spaces shall be equipped with fully-operational Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area

and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

- (e) Section 4.106.4.2.1.1 is added to Section 4.106.4.2.1 (Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms) of CGBSC Chapter 4 (Residential Mandatory Measures), to read:

Section 4.106.4.2.1.1 Electric vehicle charging stations (EVCS). Electric vehicle charging stations required by Section 4.106.4.2.1, Item 3, shall comply with Section 4.106.4.2.1.1.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.

Section 4.106.4.2.1.1.1 Location. EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1.1 and Section 4.106.4.2.1.1.2, Item 3.

Section 4.106.4.2.1.1.2 Electric Vehicle Charging Stations (EVCS) Dimensions. The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
 - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

Section 4.106.4.2.1.1.3 Accessible EV Spaces. In addition to the requirements in Sections 4.106.4.2.1.1.1 and 4.106.4.2.1.1.2, all EVSE, when installed, shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

- (f) Section 4.106.4.2.2 (Multifamily Development Projects With 20 or More Dwelling Units, Hotels and Motels With 20 or More Sleeping Units or Guest Rooms) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended by revising Item 3, to read:

3. EV Chargers. Ten (10) percent of the total number of parking spaces shall be equipped with fully-operational Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

- (g) Section 4.408.1 (Construction waste management) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.2.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

- (h) Section 4.408.2 (Construction waste management plan) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.2 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements

for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to materials being reused on-site or elsewhere or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

- (i) Section 4.408.3 (Waste management company) of CGBSC Chapter 4 (Residential Mandatory Measures) is deleted.
- (j) Section 4.408.5 (Documentation) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.5 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 4.408.1, Section 4.408.2, Items 1 through 5, and, when applicable, Section 4.408.4 or Section 4.408.4.1, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 4.408.2, Item 5, and receipts or written certification from all receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
2. For projects that satisfy the waste stream reduction alternative specified in Section 4.408.4 or Section 4.408.4.1, documentation of the quantity by weight of each material type disposed and the total combined weight of construction and demolition waste disposed in landfills as a result of the project, the corresponding pounds disposed per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(k) Section 5.106.5.3.1 (EV capable spaces) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.1 EV Capable Spaces. [N] EV capable spaces shall be provided in accordance with Table 5.106.5.3.1 and the following requirements:

1. Raceways complying with the California Electrical Code and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box, enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.
2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volt, 40-ampere minimum branch circuit for each EV capable space, with delivery of 30-ampere minimum to an installed EVSE at each EVCS.
3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.
4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE."

Note: A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.

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TABLE 5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES	NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE) ²
1-9	0	0
10-25	4	3
26-50	8	5
51-75	13	8
76-100	17	10
101-150	25	15
151-200	35	20
201 and over	20 percent of total ¹	10 percent of total ¹

1. Calculation for spaces shall be rounded up to the nearest whole number
2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.

- (l) Section 5.106.5.3.2 (Electric vehicle charging stations (EVCS)) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.2 Electric Vehicle Charging Stations (EVCS). EV capable spaces shall be provided with fully-operational EVSE to create EVCS in the number indicated in Table 5.106.5.3.1. The EVCS required by Table 5.106.5.3.1 may be provided with EVSE in any combination of Level 2 and Direct Current Fast Charging (DCFC), except that at least one Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.

- (m) Section 5.408.1 (Construction waste management) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1.

Exceptions:

1. Excavated soil and land-clearing debris.

2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

(n) Section 5.408.1.1 (Construction waste management plan) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.1 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to material being reused on-site or elsewhere or other considerations, a volumetric

measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

- (o) Section 5.408.1.2 (Waste management company) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.
- (p) Section 5.408.1.4 (Documentation) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.4 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 5.408.1, Section 5.408.1.1, Items 1 through 5, and, when applicable, Section 5.408.1.3, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 5.408.1.1, Item 5, and receipts or written certification from all receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
3. For projects that satisfy the waste stream reduction alternative specified in Section 5.408.1.3, documentation of the quantity by weight of each new construction material type disposed and the total combined weight of new construction waste disposed as a result of the project, the corresponding pounds of new construction disposal per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose

waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(Ords. 2022-35 § 3, 2019-31 § 3, 2016-22 § 3, 2015-22 § 2.)

74-4.008 Amendments to CEBC. The 2022 California Existing Building Code ("CEBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Existing Building Code

- (a) CEBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:
 - (1) Sections 103 and 112 of CEBC Chapter 1 are deleted.

ORDINANCE NO. 2022-35

- (2) Section 106.1 (Construction Documents - General) of CEBC Chapter 1 is amended by deleting the exception.
- (3) Section 106.2.1 (Construction documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

(Ords. 2022-35 § 3, 2019-31 § 3, 2016-22 § 3.)

74-4.010 Amendments to CEnC. The 2022 California Energy Code ("CEnC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Energy Code.

- (a) Section 100.0(e)(2)(A) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended to read:

A. All newly constructed buildings.

- i. 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 Subsection B, C, D, or E, as applicable.
- ii. A newly constructed building that is any of the following building types shall be an all-electric building:
 - a. Residential.
 - b. Detached accessory dwelling unit.

ORDINANCE NO. 2022-35

- c. Hotel.
- d. Office.
- e. Retail.

Exception to Section 100.0(e)(2)(A)(ii): Development projects that have obtained vested rights before June 1, 2022, pursuant to a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or other applicable law, are exempt from the requirements of Section 100.0(e)(2)(A)(ii).

- (b) Section 100.1(b) (Definitions) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended by adding the following definition:

ALL-ELECTRIC BUILDING means a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating (including heating of all indoor and outdoor spaces of the building), water heating (including heating of indoor and outdoor pools and spas), cooking appliances, and clothes drying appliances. An all-electric building may utilize solar thermal pool heating.

(Ords. 2022-35 § 3, 2022-02 § 3.)

SECTION IV. Section 76-2.002 (Adoption) of Division 76 (Electrical Code) of the County Ordinance Code is amended to read:

76-2.002 Adoption.

- (a) The electrical code of this county is the 2022 California Electrical Code (California Code of Regulations, Title 24, Part 3) (“CEC”), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2022 California Electrical Code, with the changes, additions, and deletions set forth in Chapter 76-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this electrical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the electrical code are controlling and enforceable within the county.
(Ords. 2022-35 § 4, 2019-31 § 4, 2016-22 § 4, 2013-24 § 4, 2011-03 § 4, 2007-54 § 5,

2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24.)

SECTION V. Section 78-2.002 (Adoption) of Division 78 (Plumbing Code) of the County Ordinance Code is amended to read:

78-2.002 Adoption.

- (a) The plumbing code of this county is the 2022 California Plumbing Code (California Code of Regulations, Title 24, Part 5), as amended by the changes, additions, and deletions set forth in Division 72.
- (b) The 2022 California Plumbing Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this plumbing code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the plumbing code are controlling and enforceable within the county. (Ords. 2022-35 § 5, 2019-31 § 5, 2016-22 § 6, 2013-24 § 5, 2011-03 § 5, 2007-54 § 6, 2002-31 § 5, 99-17 § 12, 74-29.)

SECTION VI. Section 710-2.002 (Adoption) of Division 710 (Mechanical Code) of the County Ordinance Code is amended to read:

710-2.002 Adoption.

- (a) The mechanical code of this county is the 2022 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in Division 72.
- (b) The 2022 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this mechanical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the mechanical code are controlling and enforceable within the county. (Ords. 2022-35 § 6, 2019-31 § 6, 2016-22 § 7, 2013-24 § 6, 2011-03 § 6, 2007-54 § 7, 2002-31 § 6, 99-17 § 13, 88-91 § 5, 74-31.)

SECTION VII. Section 72-6.212 of the County Ordinance Code is amended to read:

72-6.212 Expiration of permit.

- (a) A permit issued by the county building official becomes void if either of the following occur:
 - (1) The work authorized by the permit is not commenced within 12 months after the permit issuance date. Evidence that work has commenced consists of at least one approved inspection.
 - (2) The work authorized by the permit is suspended or abandoned for a period of 12 consecutive months after the work is commenced. Work is deemed suspended or abandoned for a period of 12 consecutive months if no approved inspection occurs during that time.
- (b) A permittee holding an unexpired permit may apply to the county building official for a permit extension. Upon written request by the permittee demonstrating justifiable cause for the delay, the county building official may extend the time of the permit for a period not exceeding 180 days. A permit may not be extended more than once.
- (c) Once a permit becomes void, a new permit must be obtained before any work is commenced or recommenced, and a new permit fee must be paid. (Ords. 2022-35 § 7, 2019-31 § 7, 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 87-55 § 3, 80-14 § 3, 74-32 § 2, 71-32 § 1, 67-70 § 3: prior code § 7106: Ord. 1372 § 5H).

SECTION VIII. Chapter 718-4 (Swimming Pools) of the County Ordinance Code is deleted in its entirety.

SECTION IX. Chapter 718-6 (Residential Sprinkler System Option) of the County Ordinance Code is deleted in its entirety.

SECTION X. VALIDITY. The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2022 California Building Code, Residential Code, Green Building Code, Plumbing Code, Electrical Code, Mechanical code, Existing Building Code, or Energy Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination herefrom any portion or provision as may be declared invalid.

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SECTION XI. EFFECTIVE DATE. This ordinance becomes effective on January 1, 2023 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By:

Deputy

[SEAL]

ATTACHMENT D

[Linked](#) April 12, 2023, Town Council Staff Report

ATTACHMENT E

Redline of December 11, 2019, proposed Ordinance, Affected
Pages Only

Title 15 - BUILDINGS AND CONSTRUCTION

CHAPTER 15.04 - BUILDING CODES

15.04.010 - Findings regarding local climatic, topographical and geological conditions pursuant to Health and Safety Code Section 17958.7.

The California Building Standards Commission has adopted and published the ~~2019~~2022 Building Standards Code, which is comprised of the ~~2019~~2022 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development which also provides building inspection services to the town.

Although these codes apply statewide, Health and Safety Code Sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. For amendments to the California Green Building Standards Code, local climatic, geological, and topographical conditions include local environmental conditions.

Contra Costa County Ordinance No. ~~2019-31~~2022-35 -adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors found, and the Town Council of Moraga similarly finds, that ~~all~~-most of the more restrictive standards contained in Ordinance No. ~~2019-31~~2022-35 -are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below and exist in the Town of Moraga, within Contra Costa County and support the local amendments.

I. Local Conditions.

A. Geological and Topographic.

1. Seismicity.

(a) Conditions.

Contra Costa County is located in Seismic Design Categories D and E which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. E, which designates very high risk for

earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30-year likelihood of one or more earthquake of 6.7 or larger magnitude is seventy-two (72) percent. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next thirty (30) years.

Interstates 680, 80, 580 and State Route 4 run throughout Contra Costa County. These interstates and state route divide the County into west, south, north, and east areas. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment.

Earthquakes of the magnitude noted above could cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, causing disruption and potentially starting fires throughout the county.

(b) Impact.

A major earthquake could severely restrict the response of Contra Costa County Fire Districts and their capability to control fires. When buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires may develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the county to fault traces necessitates adopting stricter structural construction standards.

2. Soils.

(a) Conditions.

The area is replete with various soils, many of which are expansive. Many areas have landslide prone soils and some areas are potentially liquefiable during severe seismic shaking. Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to

asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable preventing fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic.

(a) Conditions.

(i) Vegetation.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the county. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

(ii) Surface Features.

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for fire district resources in and to district areas.

(iii) Buildings, Landscaping, and Terrain.

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by fire district vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for fire district vehicles adversely affect fire suppression efforts.

When fire district vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often impacts fire personnel response both in terms of the numbers that can reach the site and in the stamina of those fighting the fire. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors

should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact.

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Town's fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are caused by natural gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat and may be unavailable for smaller single dwellings that affected or threatened by broken gas lines.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards would not impact the availability of fire or public safety resources.

B. Climatic.

1. Precipitation and Relative Humidity.

(a) Conditions.

Precipitation ranges from fifteen (15) to twenty-four (24) inches per year with an average of approximately twenty (20) inches per year. Ninety-six (96) percent of precipitation falls during the months of October through April, and four percent from May through September. May through September is a dry five (5) month period each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, and fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as

fifteen (15) percent.

(b) Impact.

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single-family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the fire district resulting in an excessive fire loss.

2. Greenhouse Gas Emissions.

(a) Conditions.

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies "~~mobile sources transportation~~" (all on-road vehicles such as automobiles and trucks, and off-road vehicles such as trains, ships, aircraft, and farm equipment) as a primary pollution source. According to the ~~2016~~2019 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for ~~thirty-six (36)~~ thirty-nine point seven (39.7) percent of the total greenhouse gas emissions. Emissions from recycling and waste, comprising 2% of the total greenhouse gas emissions, have grown by 20% since 2000, and 96% of that amount is landfill emissions. California adopted land use and transportation policies to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

(b) Impact.

More restrictive electric vehicle charging standards would be consistent with the intent of state legislation and county and town requirements to aggressively implement energy policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy goals.

3. Temperature.

(a) Conditions.

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact.

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the fire districts in Contra Costa County. The change of temperatures throughout the county between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards would not have a negative impact on the temperature conditions within the county.

4. Winds.

(a) Conditions.

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact.

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds,

grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards would not have a negative impact on the wind conditions within the County.

~~II. — Necessity of More Restrictive Standards.~~ **15.04.015 - Necessity of More Restrictive Standards**

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Because of the conditions described above, the Contra Costa County Board of Supervisors found and the Town Council of Moraga finds that there are building and fire hazards unique to Contra Costa County and the Town of Moraga that require ~~the increased fire protection and structural and design load requirements set forth in Ordinance No. 2019-31,~~ more restrictive fire protection, structural and design load requirements, and energy and waste management policies set forth in Ordinance No. 2022-35.

~~**15.04.020 - Adoption of portions of the Contra Costa County Ordinance Code.**~~

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The following portions of the Ordinance Code of Contra Costa County, California are adopted by reference under the authority of Sections 50020-50022.9 of the California Government Code:

The provisions of County Ordinance 2022-35, approved by the Contra Costa County Board of Supervisors on November 8, 2022, adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code with changes, additions and deletions to the County Ordinance Code Sections as listed in Section II through Section X of said County Ordinance with the exemptions of Section III subsections 301.3.2, Waste Diversion, of the 2022 California Green Building Standards

Code (CGBSC) Chapter 3, section 4.408.1 of the CGBSC Chapter 4 Construction Waste Management, section 4.408.2 of the CGBSC Chapter 4 Construction Waste Management Plan, section 4.408.5 of the CGBSC Chapter 4 Waste Management Plan Documentation, section 5.408.1 of the CGBSC Chapter 5 Nonresidential Construction Waste Management, section 5.408.1.1 of the CGBSC Chapter 5 Nonresidential Construction Waste Management Plan, section 5.408.1.4 Nonresidential Waste Management Plan Documentation, Section 100.0(e)(2)(A) of Subchapter 1 of the 2022 California Energy Code (CEnc) All-Electric Building Code, Section 100.0(b) of the CEnc Subchapter 1 All Electric Building Definition that are necessary because of local climatic, geological, or topographical conditions. The ordinance from which this chapter derives is adopted pursuant to Health and Safety Code Sections 17922, 17958, 17958.5, and 17958.7, and Government Code Sections 50020 through 50022.10.

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

Repealing and Replacing Moraga)
Municipal Code (MMC) Chapter 15.04)
"Buildings and Construction" of Title 15)
and Adopting by Reference Certain)
Sections of Contra Costa County)
Ordinance No. 2022-35, which Adopts the)
2022 California Building Code, the 2022)
California Residential Code, the 2022)
California Green Building Standards)
Code, the 2022 California Electrical Code,)
the 2022 California Plumbing Code, the)
2022 California Mechanical Code, and the)
2022 California Existing Building Code)
(California Code of Regulation, Title 24)
Parts 2, 2.5, 11, 3, 5, 4 and 10); and)
Making Certain Amendments Thereto)
and Finding the Ordinance Exempt from)
California Environmental Quality)
Act _____)
)

ORDINANCE NO. XXX

WHEREAS, on June 17, 1975 the Town of Moraga ("Town") entered into a Joint Exercise of Powers Agreement with the County of Contra Costa ("County") requiring the Town to enact and maintain building code ordinances that are "identical in all material respects with the corresponding County Codes now in force in the County;" and

WHEREAS, on November 8, 2022 the County Board of Supervisors adopted County Ordinance No. 2022-35 (the "County Ordinance") adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, and the 2022 California Mechanical Code and 2022 California Existing Buildings Code (collectively, the "Statewide Codes") which are found at the California Code of Regulations, Title 24, Parts 2, 2.5, 11, 3, 5, 4 and 10) with amendments pursuant to Health and Safety Code Sections 17958.5 and 18941.5; and

WHEREAS, in connection with adoption of the County Ordinance, the County made certain findings (the "County Findings") required by Health and Safety Code Sections 17985.7 related to the local climatic, geological, topographical and environmental conditions that make reasonably necessary the County Ordinance's amendments to the Statewide Codes; and

WHEREAS, the Town has reviewed the County Ordinance and the County Findings and now desires to adopt by reference the County Ordinance and to independently make the findings required pursuant to Health and Safety Code Section 17985.7; and

WHEREAS, the Town held a Study Session meeting on April 12, 2023 to discuss reach codes adopted by Contra Costa County Board of Supervisors. Town Council provided direction to staff to bring forward changes proposed within this Ordinance; and

WHEREAS, a copy of this Ordinance, the County Ordinance, and the Statewide Codes have been on file and available for public inspection in the office of the Town Clerk for at least 72 hours prior to consideration of the Ordinance and will continue to be available for as long as this Ordinance remains in effect.

WHEREAS, on May 24, 2023, the Town Council held a public meeting and introduced by title only an Ordinance XX-2023 Repealing and Replacing Moraga Municipal Code (MMC) Chapter 15.04 “Building Codes” of Title 15 and Adopting by Reference Certain Sections of Contra Costa County Ordinance No. 2022-35, which Adopts the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code and Making Certain Amendments Thereto and scheduled the public hearing date for the second reading of the Ordinance for June 14, 2023.

WHEREAS, the Town has given proper notice of the adoption of the various building codes and standards by reference pursuant to California Government Code sections 50022.2 and 50022.3.

THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 Repeal and Replace.

Moraga Municipal Code Section 15.04 – “Buildings and Construction” within Title 15 is deleted in its entirety and replaced with the following:

“Title 15 - BUILDINGS AND CONSTRUCTION

CHAPTER 15.04 - BUILDING CODES

15.04.010 – Findings regarding local climatic, topographical and geological conditions pursuant to Health and Safety Code Section 17958.7.

The California Building Standards Commission has adopted and published the 2022 Building Standards Code, which is comprised of the 2022 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development which also provides building inspection services to the town.

Although these codes apply statewide, Health and Safety Code Sections 17958.5 and 18941.5 Ordinance No. XXX

authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. For amendments to the California Green Building Standards Code, local climatic, geological, and topographical conditions include local environmental conditions.

Contra Costa County Ordinance No. 2022-35 adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors found, and the Town Council of Moraga similarly finds, that most of the more restrictive standards contained in Ordinance No. 2022-35 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below and exist in the Town of Moraga, within Contra Costa County and support the local amendments.

I. Local Conditions.

A. Geological and Topographic.

1. Seismicity.

(a) Conditions.

Contra Costa County is located in Seismic Design Categories D and E which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. E, which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30-year likelihood of one or more earthquake of 6.7 or larger magnitude is seventy-two (72) percent. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next thirty (30) years.

Interstates 680, 80, 580 and State Route 4 run throughout Contra Costa County. These interstates and state route divide the County into west, south, north, and east areas. An

overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment.

Earthquakes of the magnitude noted above could cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, causing disruption and potentially starting fires throughout the county.

(b) Impact.

A major earthquake could severely restrict the response of Contra Costa County Fire Districts and their capability to control fires. When buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires may develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the county to fault traces necessitates adopting stricter structural construction standards.

2. Soils.

(a) Conditions.

The area is replete with various soils, many of which are expansive. Many areas have landslide prone soils and some areas are potentially liquefiable during severe seismic shaking. Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable preventing fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic.

(a) Conditions.

(i) Vegetation.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the county. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

(ii) Surface Features.

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for fire district resources in and to district areas.

(iii) Buildings, Landscaping, and Terrain.

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by fire district vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for fire district vehicles adversely affect fire suppression efforts.

When fire district vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often impacts fire personnel response both in terms of the numbers that can reach the site and in the stamina of those fighting the fire. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact.

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Town's fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are caused by natural gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat and may be unavailable for smaller single dwellings that affected or threatened by broken gas lines.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards would not impact the availability of

fire or public safety resources.

B. Climatic.

1. Precipitation and Relative Humidity.

(a) Conditions.

Precipitation ranges from fifteen (15) to twenty-four (24) inches per year with an average of approximately twenty (20) inches per year. Ninety-six (96) percent of precipitation falls during the months of October through April, and four percent from May through September. May through September is a dry five (5) month period each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, and fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact.

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single- family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the fire district resulting in an excessive fire loss.

2. Greenhouse Gas Emissions.

(a) Conditions.

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies " transportation" (all on-road vehicles such as automobiles and trucks, and off-road vehicles such as trains, ships, aircraft, and farm equipment) as a primary pollution source. According to the 2019 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for thirty-nine-point seven (39.7) percent of the total greenhouse gas emissions. Emissions from recycling and waste, comprising 2% of the total greenhouse gas emissions, have grown by 20% since 2000, and 96% of that amount is landfill emissions. California adopted land use and transportation policies to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

(b) Impact.

More restrictive electric vehicle charging standards would be consistent with the intent of state legislation and county and town requirements to aggressively implement energy policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy goals.

3. Temperature.

(a) Conditions.

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact.

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the fire districts in Contra Costa County. The change of temperatures throughout the county between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards would not have a negative impact on the temperature conditions within the county.

4. Winds.

(a) Conditions.

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact.

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non- irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards would not have a negative impact on the wind conditions within the County.

15.04.015 - Necessity of More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors found and the Town Council of Moraga finds that there are building and fire hazards unique to Contra Costa County and the Town of Moraga that require more restrictive fire protection, structural and design load requirements, and energy and waste management policies set forth in Ordinance No. 2022-35.

15.04.020 - Adoption of portions of the Contra Costa County Ordinance Code.

The following portions of the Ordinance Code of Contra Costa County, California are adopted by reference under the authority of Sections 50020-50022.9 of the California Government Code:

The provisions of County Ordinance 2022-35, approved by the Contra Costa County Board of Supervisors on November 8, 2022, adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 California Existing Building Code with changes, additions and deletions to the County Ordinance Code Sections as listed in Section II through Section X of said County Ordinance with the exemptions of Section III subsections 301.3.2, Waste Diversion, of the 2022 California Green Building Standards Code (CGBSC) Chapter 3, section 4.408.1 of the CGBSC Chapter 4 Construction Waste Management, section 4.408.2 of the CGBSC Chapter 4 Construction Waste Management Plan, section 4.408.5 of the CGBSC Chapter 4 Waste Management Plan Documentation, section 5.408.1 of the CGBSC Chapter 5 Nonresidential Construction Waste

Management, section 5.408.1.1 of the CGBSC Chapter 5 Nonresidential Construction Waste Management Plan, section 5.408.1.4 Nonresidential Waste Management Plan Documentation, Section 100.0(e)(2)(A) of Subchapter 1 of the 2022 California Energy Code (CEnC) All-Electric Building Code, Section 100.0(b) of the CEnC Subchapter 1 All Electric Building Definition that are necessary because of local climatic, geological, or topographical conditions. The ordinance from which this chapter derives is adopted pursuant to Health and Safety Code Sections 17922, 17958, 17958.5, and 17958.7, and Government Code Sections 50020 through 50022.10.

15.04.030 - Amendment to Section 4.410 of the California Green Building Standards Code (aka CalGreen).

1.The maintenance and operations manuals for new buildings required under CalGreen Section 4.410 shall be provided as computer files on a suitable digital storage format, such as CDs, DVDs or flash drives and in a commonly used file format, such as Adobe pdf. The organization of the maintenance and operations manual shall follow the sample standard format from the State Department of Housing and Community Development.

2.Nothing in this Code shall prohibit the town from imposing stricter standards than those set forth in the mandatory requirements of CalGreen.

15.04.040 - Amendment to adopted portions of the Contra Costa County Ordinance Code relating to drainage.

Adopted by reference in Section II of this section, Contra Costa County Ordinance Code Section 74-6.004, Drainage Facility Requirements, is amended by changing subsection (c) to read as follows:

"(c) Drainage of water from swimming pools and similar improvements (but not waste from water treatment facilities) shall be conveyed in accordance with the requirements of the NPDES Municipal Stormwater Permit for the Contra Costa Clean Water Program."

15.04.050 - References to officials and offices.

In the Ordinance Code of Contra Costa County and each of the statewide codes adopted by reference, a reference to "board of supervisors" means the town council of the town of Moraga, and a reference to an office, official title or other designation means the office, official title or designation in the governmental structure of the town, or if there is none, the official or titleholder in the town who performs the function of the duty referred to.

SECTION 2 Publication.

The Town Clerk shall cause this Ordinance to be published in accordance with State Law.

SECTION 3. Environmental Review.

The proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations)

SECTION 4. Severability. The Town Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 5. Effective Date. This Ordinance shall be effective thirty days after the ordinance is adopted.

The foregoing Ordinance first reading was introduced at a regular meeting of the Town Council of the Town of Moraga held on May 24, 2023 and was adopted and ordered published at a regular meeting of the Town Council on June 14, 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Renata Sos, Mayor

ATTEST:

Yashin Abbas, Interim Town Clerk