



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: November 8, 2022

Subject: Public Hearing to consider Ordinance No. 2022-35, adopting the 2022 California Building Standard Codes

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2022-35, adopting the 2022, RECEIVE testimony, and CLOSE the public hearing.
2. ADOPT Ordinance No. 2022-35, adopting the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Green Building Standards Code, the 2022 California Energy Code, the 2022 California Electrical Code, the 2022 California Plumbing Code, the 2022 California Mechanical Code, and the 2022 Existing Building Code, with changes, additions, and deletions.
3. ADOPT the attached findings in support of the County's changes, additions, and deletions to the statewide codes.
4. DIRECT the publication of the ordinance summary prepared by County Counsel and DIRECT the Clerk of the Board of Supervisors to post a certified copy of the full text of the adopted ordinance in the office of the Clerk of the Board, in accordance with Government Code section 25124(b).
5. DIRECT the Department of Conservation and Development, pursuant to Health and Safety Code section 17958.7, to send a certified copy of Ordinance No. 2022-35, the attached findings, and this Board Order to the California Department of Housing and Community Development and to the California Building Standards Commission.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **11/08/2022** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 8, 2022

Contact: Jason Crapo,
925-655-2801

Monica Nino, County Administrator and Clerk of the Board of
Supervisors

By: June McHuen, Deputy

cc:

6. FIND that adoption of the ordinance is exempt from the California Environmental Quality Act pursuant to CEQA

RECOMMENDATION(S): (CONT'D)

Guidelines section 15061(b)(3).

7. DIRECT staff to file a Notice of Exemption with the County Clerk.

FISCAL IMPACT:

None

BACKGROUND:

The California Building Standards Commission has adopted the 2022 California Building Standards Code (CBSC), replacing the 2019 CBSC. The CBSC includes the California Building, Residential, Electrical, Plumbing, Mechanical, Green Building Standards, Fire, Energy, Historical Building and Existing Building Codes. These statewide codes will be effective January 1, 2023. The Department of Conservation and Development is responsible for enforcing the CBSC within the unincorporated area of Contra Costa County.

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 local jurisdiction finds that the changes and modifications are reasonably necessary because of local climatic, geological, topographical, or environmental conditions. The attached proposed ordinance would adopt the statewide codes and amend them to address local conditions.

The proposed Ordinance No. 2022-35 amends the statewide codes due to local climatic, geographical, topographical, and environmental conditions. These conditions are described in the attached Findings. The following are the substantive changes to the 2022 California Building Standards Code:

Modifications to the 2022 California Building Code

- Require the installation of a hard-wired smoke detector in existing flat roof buildings when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to the previous statewide code.
- Require more reinforcing in some building foundations to better withstand seismic forces found in this region of California. This amendment is the same as the local amendment made to the previous statewide code.

Modifications to the 2022 California Residential Code

- Prohibit the use of gypsum wallboard as seismic bracing.
- Restrict the use of Portland Cement Plaster as seismic bracing to single-story single- and two-family dwellings and accessory structures.

Modifications to the 2022 California Green Building Standards Code

- The electric vehicle charging station (EVCS) requirements in the statewide code for new multi-family buildings now meet or exceed the local amendments made to the previous statewide code with the substantive exceptions noted below.
 - The statewide code does not require fully-functional EVCS for new multi-family dwellings, hotels, and motels when fewer than 20 dwelling units, sleeping units, or guest rooms exist. The statewide code requires that 10 percent and 25 percent of the total number of parking spaces be "EV Capable" or "EV Ready" respectively. These spaces are equipped with the electrical conduit and other associated electrical infrastructure to support the future installation of electric vehicle charging devices. The ordinance would require that in addition of the statewide requirements as noted above, an additional 5 percent of the total number of parking spaces be equipped with fully-functional electric vehicle charging equipment. This would match the statewide code requirements for multi-family dwellings with 20 or more units and aligns with the Board's prior decision not to exempt smaller multi-family dwellings from the requirement to have fully-functional charging stations. This amendment would impose a stricter standard than that included in the statewide code, and the number of fully operational electric vehicle charging stations is consistent with the current policy previously adopted by the Board.
 - The statewide Code does not require fully-functional EVCS where the total number of parking spaces provided is fewer than 26. The ordinance would require a proportional number of fully-functional EVCS spaces where the number of parking spaces is 10 or more, which is the threshold previously adopted by the Board. This amendment would impose a stricter standard than that included in the statewide code, and the number of fully operational electric vehicle charging stations is consistent with the current policy previously adopted by the Board.
- More restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County, including: Apply construction waste management requirements in the statewide code to 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. Projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area. Demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance. Delete the exception from the construction waste management requirements for documentation of all generated debris to ensure that at least 65% is diverted from landfills. These amendments are the same local amendments made to the previous statewide code.

Modifications to the 2022 California Energy Code.

- Require that all newly constructed residential, detached accessory dwelling unit, hotel, office, and retail type buildings are constructed as all-electric buildings, meaning that the building has no natural gas or propane plumbing within the

building, and that the building uses electricity as the sole sources of energy for its space heating, water heating, cooking appliances and clothes drying appliances. This amendment would impose a stricter standard than that included in the statewide code as the statewide code has no requirement for all-electric buildings. This amendment is consistent with the current policy previously adopted by the Board.

Modifications to the 2022 California Existing Building Code

The amendments to the 2022 California Building Code are not substantive in nature and are limited to administrative provision for the use and enforcement of this Code and to be consistent with the administrative provision of the other statewide codes as amended.

The proposed Ordinance No. 2022-35 also contains amendments to Division 718-Miscellaneous Provisions of the Contra Costa County Ordinance Code. The following are the substantive changes to the Ordinance Code:

Modifications to the Contra Costa Ordinance Chapter 718-4 (Pools)

- Delete Chapter 718-4 SWIMMING POOLS. This chapter (originally adopted as ordinance 84-33) contains safety measures for swimming pools that have been superseded by more comprehensive safety measures now prescribed by the statewide code. Since the passage of California Health and Safety Code 115922 in 2007, the Building Inspection Division has enforced the more comprehensive California regulations. Deleting this chapter will remove conflicting provisions.

Modifications to the Contra Costa County Ordinance Chapter 718-6 (Residential Sprinklers)

- Delete Chapter 718-6 RESIDENTIAL SPRINKLER SYSTEM OPTION. This chapter (originally passed as ordinance 87-43) requires that sellers of new one-family dwellings or duplexes provide prospective buyers with the opportunity and option to have residential fire sprinkler systems installed during construction. Since 2011, the statewide code has mandated that new one-family dwellings and duplexes contain fire sprinklers, with exceptions for ADU's. The Building Inspection Division has enforced the more restrictive mandatory fire sprinkler requirements contained in the statewide code.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed ordinance is not approved, the County will not adopt the 2022 California Building Code Standards Code and County Ordinances as amended.

CLERK'S ADDENDUM

Speakers: Jan; Lisa Jackson, 350 Contra Costa Action; No name given. Written commentary provided by 350 Contra Costa Action (attached).

ADOPTED Ordinance No. 2022-35 as amended today to increase the percentage of parking spaces required to have fully functioning charging devices to 10% for all multi-family residential buildings, including multi-family residential buildings with fewer than 20 units, and non-residential buildings. (Section 74-4.006 (Amendments to

CGBSC), subsections (d), (f), and (k))

ATTACHMENTS

Findings

Corrected Ordinance No. 2022-35