

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: September 3, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Introduction and First Reading of Ordinance 775 N.S. Amending Sections 8.02.010 of the City Code to Revise Adopted Appendices and to Remove Requirements for All-Electric Construction in New or Existing Single-Family Buildings

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RECOMMENDATION

Conduct a first reading of Ordinance 775 N.S. (Attachment 1) amending divisions 8.02.010 and 8.02.070 of the Piedmont City Code revising adopted appendices and removing requirements for all-electric construction in new or existing single-family buildings in compliance with federal law. The Ordinance includes revised findings related to the climatic, geological and topographical conditions supporting Piedmont's local amendments to the California Building Standards Code.

EXECUTIVE SUMMARY

On November 21, 2022, the Council adopted Ordinance 767 N.S. amending division 8.02 of the Piedmont City Code to adopt the 2022 California Code of Regulations and more stringent local requirements. As per standard process, these code changes were submitted to the California Building Standards Commission (CBSC) for review. CBSC provided a letter dated January 24, 2024 (Attachment 2), indicating that the City did not make required findings supporting some of the local amendments specific to Piedmont.

After a review of the local amendments and the adopted appendices cited in the CBSC letter, staff recommends revised findings to support the local amendments and the essential appendices necessary for the health and safety of building construction in Piedmont. Staff also recommends revisions to City Code subsections 8.02.010.B and L to eliminate appendices that are unnecessary for the health and safety of building construction in Piedmont.

The outcome of the settlement of and ruling by the U.S. Court of Appeals for the Ninth Circuit in *California Restaurant Association v. City of Berkeley* is that state and local governments are prohibited from requiring all-electric buildings or all-electric design. In response to this case law, staff recommends revising City Code section 8.02.070 to eliminate subsections A, B, C, E, F, G, H, I, J and L.

## BACKGROUND AND DISCUSSION

Building codes are written to set minimum standards for design and construction of new buildings, additions and alterations. The codes protect the health, safety and welfare of the building occupants, provide barrier-free accessibility of its users, and set performance standards for building energy efficiency. The ICC publishes the model code, which the CBSC reviews and revises with the California amendments. Local jurisdictions are required to adopt the State's building standards and can add more restrictive amendments based upon findings that such amendments are warranted by local climatic, geological or topographical conditions. Thus, the Piedmont Building Code is the California Building Code with the City of Piedmont amendments. This code adoption cycle repeats itself every three years with the current cycle including the years 2023-2025.

### **Section 8.02.010**

As it does with every 3-year building code cycle, in 2023 Council adopted building codes that included amendments created to bring a greater level of safety to residents and reduce potential life and property loss. California Health and Safety Code Section 17958.7 requires that when a city council adopts more stringent building standards than those adopted by the State, the Council must make findings for each such amendment based on local climatic, topographical, or geological conditions.

The City is in receipt of a letter, dated January 24, 2024, from the California Building Standards Commission (CBSC) stating that the CBSC accepted Piedmont's local amendments to the 2022 California Building Standards Code, Title 24, California Code of Regulations, with the exception of:

- 2022 California Residential Code Sections R105.1, R105.2 (A fence 6 feet high or less, a retaining wall which is not over 30 inches);
- 2022 California Building Code Sections 105.1, 105.2 (A fence 6 feet high or less, a retaining wall which is not over 30 inches) and appendices D, F, G, H; and
- 2022 California Fire Code Appendices D, F, I, J, K, L, M, N and O.

The CBSC found that the City did not make required findings to support the adoption of these amendments and appendices. The letter also stated that the "CBSC is not authorized by law to evaluate the merit of the findings." Local jurisdictions are not required to make findings to support the adoption of appendices that have been adopted by a State agency.

The Chief Building Official reviewed the 2022 California Building Code appendices the City adopted (City Code section 8.02.010.B) and Piedmont's Fire Marshal reviewed the 2022 California Fire Code appendices the City adopted (City Code section 8.02.020.L). The table below indicates which of the appendices to these two codes that staff have determined are not necessary to protect the health, safety and welfare of building occupants in Piedmont and do not need to be adopted, which appendices were of concern to the CBSC and should be adopted making necessary findings, and which appendices should be adopted but do not need findings to support their adoption because they were not of concern to the CBSC.

<b>Appendices Adopted to 2022 Building Standards Code Of Concern to the California Building Standards Commission</b>	
<b>2022 California Building Code</b>	<b>Proposed Action</b>
D Fire Districts	Delete, determined unnecessary
F Rodentproofing	Delete, determined unnecessary
G Flood-Resistant	Delete, determined unnecessary
H Signs	Readopt and make findings
I Patio Covers	Readopt, not of concern to CBSC
J Grading	Readopt, not of concern to CBSC
<b>2022 Fire Code</b>	<b>Proposed Action</b>
B Fire-Flow Requirements for Buildings	Readopt, not of concern to CBSC
C Fire Hydrant Locations and Distribution	Readopt, not of concern to CBSC
D Fire Apparatus Access Roads	Readopt and make findings
E Hazard Categories	Readopt, not of concern to CBSC
F Hazard Ranking	Delete, determined unnecessary
G Cryogenic Fluids – Weight and Volume Equivalents	Readopt, not of concern to CBSC
H Hazardous Materials Management Plans and Hazardous Materials Inventory Statements	Readopt, not of concern to CBSC
I Fire Protection Systems – Noncompliant Conditions	Readopt and make findings
J Building Information Sign	Delete, determined unnecessary
K Construction Requirements For Existing Ambulatory Care Facilities	Delete, determined unnecessary
L Requirements for Fire Fighter Air Replenishment Systems,	Readopt and make findings
M High-Rise Buildings – Retroactive Automatic Sprinkler Requirement	Delete, determined unnecessary
N Indoor Trade Shows and Exhibitions	Readopt and make findings
O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses	Readopt and make findings

The updated findings relating to specific conditions in the City of Piedmont are attached as Exhibit A to the proposed Ordinance. Additionally, the cross-referencing of each proposed revision to a specific finding is accomplished in Exhibit B to the Ordinance. The proposed updates to the findings will have no effect on the way the City currently operates, nor the way applicants comply with City Code Chapter 8, Building, Construction and Fire Prevention.

### **Section 8.02.070**

On October 17, 2022, the City Council adopted Ordinance 766 N.S., which included an all-electric requirement for all new single-family construction, defined in section 8.02.070 of the Piedmont City Code. In 2024, an analogous ordinance from the City of Berkeley was found to have violated the Energy Policy and Conservation Act (EPCA) by the Ninth Circuit through the *California Restaurant Association v. City of Berkeley*. The Ninth Circuit specifically held that Congress preempted any state or local regulations restricting the energy used by appliances that have energy efficiency standards set through the EPCA. This includes a variety of consumer appliance including, but not limited, to air conditioners, heat pumps, water heaters, furnaces, kitchen ranges and ovens.

As a result of the Ninth Circuit’s finding, in April 2024, a settlement was reached between the California Restaurant Association and City of Berkeley, which include the repeal of Berkeley’s analogous Natural Gas Ordinance. At that time, the City of Piedmont ceased enforcing subsections A, B, C, E, F, G, H, I, J and L of City Code section 8.02.070 that pertain to all-electric building or all-electric design requirements for new construction. Now it is recommended to officially repeal these subsections from the City Code.

**Subsection 8.02.020.C**

Piedmont Building Code subsection 8.02.020.C amends 2022 California Residential Building Code section R106 to add a new subsection R106.6, which requires the implementation of one or two – depending on the cost of construction – of a list of eight energy efficiency and electrification measures when an existing single-family building is being renovated. Two (2) of the eight (8) possible energy efficient measures listed in Section R106.6 involve replacing gas consumer products with electric products. Staff is recommending no changes to Piedmont Building Code subsection 8.02.020.C because it does not require that either of these two measures be installed since there are six other options to the builder. In addition, R106.6 notably includes an exception that authorizes a Building Official to refrain from enforcing this section if requiring the installation of measures is otherwise prohibited by other applicable law. Building staff will liberally apply this exception when evaluating applications for proposed single-family dwellings renovations.

**Proposed revisions to Piedmont City Code Chapter 8 – Building, Construction and Fire Prevention**

Below are redlined versions of the recommended Code changes.

**Subsection 8.02.010.B**

B. 2022 California Building Code, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2 and Appendices ~~D, F, G~~, H, I, and J.

**Subsection 8.02.020.L**

L. 2022 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices ~~B, C, D, E, G, H, I, L, N through~~ and O.

**Section 8.02.070**

Section 8.02.070 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

“This section amends the 2022 California Energy Code as adopted in Section 8.02.010, as set forth below.

~~A. Section 100.0 Scope. Section 100.0(e)(2)(D) is amended to add a new subsection section (iii) as follows:~~

~~“(iii) New construction single family buildings shall be an All Electric Building or All Electric Design as defined in Section 100.1(b).”~~

~~B. Section 100.1(b) – All Occupancies – General Provisions. Section 100.1(b) is amended to include the following definition:~~

~~**ALL-ELECTRIC BUILDING** or **ALL-ELECTRIC DESIGN** is a building or building design that uses a permanent supply of electricity as the only source of energy for space conditioning (including heating and cooling), water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed at the building.~~

~~C. Section 150.1 – Performance and Prescriptive Compliance Approaches for Single-Family Residential Buildings. Section 150.1 is amended to add a new subsection (4) as follows:~~

~~4. New construction single family buildings shall be an All Electric Building or All Electric Design as defined in Section 100.1(b).~~

~~DA. Section 150.0 – Mandatory Features and Devices. Section 150.0 is amended to replace the introductory sentence and note in their entirety as follows:~~

~~Single family buildings shall comply with the applicable requirements of Sections 150(a) through 150(v).~~

~~NOTE: The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to additions or alterations.~~

~~E. Section 150.0(e) – Installation of fireplaces, decorative gas appliances and gas logs. Section 150.0(e) is amended to add the following sentence to the beginning of the section:~~

~~In any single family building required to be an All Electric Building or All Electric Design under this code, interior and exterior fireplaces shall be electric, not fueled by Fuel Gas.~~

~~F. Section 150.0(h) – Space conditioning equipment. Section 150.0(h) is amended to add the following sentence to the beginning of the section:~~

~~In any single family building required to be an All Electric Building or All Electric Design under this code, construction space conditioning equipment shall be electric, not fueled by Fuel Gas.~~

~~G. Section 150.0(n) – Water heating system. Section 150.0(n) is amended to add the following sentence to the beginning of the subsection:~~

~~In any single family building required to be an All Electric Building or All Electric Design under this code, heating systems and equipment shall be electric, not fueled by Fuel Gas.~~

~~H. Section 150.0(u) — Electric cooktop ready. Section 150.0 is amended to add the following sentence to the beginning of the section (u):~~

~~In any single family building required to be an All Electric Building or All Electric Design under this code, cooking appliances shall be electric, not fueled by Fuel Gas.~~

~~I. Section 150.0(v) — Electric clothes dryer ready. Section 150.0(v) is amended to add the following sentence to the beginning of the section (v):~~

~~In any single family building required to be an All Electric Building or All Electric Design under this code, clothes dryers shall be electric, not fueled by Fuel Gas.~~

~~J. Subsection 150.2(a) — Additions. Section 150.2(a) is amended to add the following language after the first sentence:~~

~~Requirements for installation of all electric water heating systems, space conditioning equipment, fireplaces and decorative gas appliances, and clothes drying appliances, and cooking appliances as specified for new construction in Sections 150.0(e), 150.0(h), 150.0(n), 150.0(u), and 150.0(v) do not apply to additions.~~

**KB.** Section 150.2(a) – Additions. Section 150.2(a) is amended to replace Exception 6 in its entirety as follows:

**Exception 6 to Section 150.2(a):** Photovoltaic systems, as specified in Section 150.1(c)14 including the exceptions listed therein, are not required for additions, except that additions of an entirely new upper level or that increase the building's total roof area by thirty percent (30%) or more shall meet the photovoltaic requirements of Section 150.1(c)14.

~~L. Section 150.2(b) — Alterations. Section 150.2(b) is amended to add the following language after the first sentence:~~

~~Requirements for installation of all electric water heating systems, space conditioning equipment, fireplaces and decorative gas appliances, and clothes drying appliances, and cooking appliances as specified for new construction in Sections 150.0(e), 150.0(h), 150.0(n), 150.0(u), and 150.0(v) do not apply to alterations.”~~

CEQA:

The ordinance and the code revisions included within it are exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

REVIEW BY CITY ATTORNEY:

The proposed modifications to the City Code, the ordinance and the CEQA determinations have been reviewed and approved by the City Attorney.

CONCLUSION, COUNCIL ACTION AND NEXT STEPS:

The recommended code revisions bring the City’s regulations for building safety into compliance with case law and State codes with amendments that are specific to ensuring building safety in Piedmont. Should the Council approve a first reading of the recommended ordinance on September 3, 2024, a second reading could occur as soon as September 16, 2024, and the Code amendments would go into effect on October 16, 2024

By: Kevin Jackson, Director of Planning & Building  
Paki Muthig, Chief Building Official  
Deniz Ergun, Sustainability Program Manager

ATTACHMENTS:

	<u>Pages</u>	
1	9 - 20	Ordinance No. 775 N.S., amending sections 8.02.010 and 8.02.070 of the City Code to revise adopted appendices and to remove requirements for all-electric construction in new or existing single-family buildings. Exhibit A – Findings Exhibit B – Findings Identification Document
2	21	California Building Standards Commission letter dated January 24, 2024

Separate and available on the City website:

- Piedmont City Code Chapter 8, Building, Construction, and Fire Prevention, available at: [https://piedmont.ca.gov/government/charter\\_city\\_code](https://piedmont.ca.gov/government/charter_city_code)

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ORDINANCE NO. 775 N.S.

AN ORDINANCE AMENDING SECTIONS 8.02.010 AND 8.02.070 OF THE CITY CODE TO REVISE ADOPTED APPENDICES AND TO REMOVE REQUIREMENTS FOR ALL-ELECTRIC CONSTRUCTION IN NEW OR EXISTING SINGLE-FAMILY BUILDINGS.

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose and intent of the City Council of the City of Piedmont in adopting this Ordinance to revise the list of appendices adopted with the 2022 California Building Code and the 2022 California Fire Code to eliminate appendices unnecessary to ensure the health and safety of construction in Piedmont; to remove requirements for all-electric building or design to conform with Federal regulations; and to adopt revised findings to support the local amendments adopted under this ordinance and the local amendments adopted under Ordinances Nos. 766 N.S. and 767 N.S.

SECTION 2. FINDINGS

Pursuant to Section 17958.7 of the California Health and Safety Code, the City Council may adopt local amendments which are more restrictive than those adopted by the Building Standards Commission in Title 24 of the California Code of Regulations, upon making express findings that such amendments are reasonably necessary due to local climatic, geological and topographical conditions.

The City Council finds that, in order to best protect the health, safety and welfare of the residents of Piedmont, it is necessary to adopt the building standards contained in Title 24 of the California Code of Regulations with more restrictive local amendments as may be warranted by local climatic, geological and topographical conditions.

The City is in receipt of a letter, dated January 24, 2024, from the California Building Standards Commission (CBSC) stating that the CBSC accepted Piedmont's local amendments to the 2022 California Building Standards Code, Title 24, California Code of Regulations, with the exception of:

- 2022 California Residential Code Sections R105.1, R105.2 (A fence 6 feet high or less, a retaining wall which is not over 30 inches);
- 2022 California Building Code Sections 105.1, 105.2 (A fence 6 feet high or less, a retaining wall which is not over 30 inches) and appendices D, F, G, H; and
- 2022 California Fire Code Appendices D, F, I, J, K, L, M, N and O.

The CBSC found that the City did not make required findings to support the adoption of these amendments. The letter also stated that the "CBSC is not authorized by law to evaluate the merit of the findings."

The City Council finds that to ensure healthy and safe construction in the City it is beneficial to adopt Appendix H Signs but that it is unnecessary to adopt Appendices D Fire Districts, F

Rodentproofing, or G Flood-Resistant Construction of the 2022 California Building Code, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2.

The City Council finds that to ensure healthy and safe construction in the City it is beneficial to adopt Appendices D Fire Apparatus Access Roads, I Fire Protection Systems – Noncompliant Conditions, L Requirements for Fire Fighter Air Replenishment Systems, N Indoor Trade Shows and Exhibitions, and O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses, but that it is unnecessary to adopt Appendices F Hazard Ranking, J Building Information Sign, K Construction Requirements For Existing Ambulatory Care Facilities, and M High-Rise Buildings – Retroactive Automatic Sprinkler Requirement of the 2022 California Fire Code, Part 9 of Title 24 of the California Code of Regulations

The City Council finds that the settlement in *California Restaurant Association v. City of Berkeley* related to the requirement of all-electric newly-constructed buildings necessitates the repeal of subsections A, C, E, F, G, H, I, J and L of City Code section 8.02.070 that codify all-electric building or all-electric design requirements for new construction.

The City Council of the City of Piedmont hereby adopts the findings including those regarding local climatic, geological, and topographical conditions set forth in Exhibit A to this Ordinance to support the local amendments adopted herein and also under Ordinances 766 N.S. and 767 N.S., and furthermore adopts Exhibit B, attached, to identify each provision of Chapter 8 to the necessary findings that support it.

### SECTION 3. AMENDMENT TO SUBSECTION 8.02.010.B

Subsection 8.02.010.B of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

“B. 2022 California Building Code of Regulations, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2 and Appendices H, I, and J.”

### SECTION 4. AMENDMENT TO SUBSECTION 8.02.010.L

Subsection 8.02.010.L of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

“L. 2022 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices B, C, D, E, G, H, I, L, N and O.”

### SECTION 5. AMENDMENT TO SECTION 8.02.070

Section 8.02.070 of the Piedmont City Code is hereby repealed and replaced to read in its entirety as follows:

“This section amends the 2022 California Energy Code as adopted in Section 8.02.010, as set forth below.

A. Section 150.0 – Mandatory Features and Devices. Section 150.0 is amended to replace the introductory sentence and note in their entirety as follows:

Single family buildings shall comply with the applicable requirements of Sections 150(a) through 150(v).

NOTE: The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to additions or alterations.

B. Section 150.2(a) – Additions. Section 150.2(a) is amended to replace Exception 6 in its entirety as follows:

“**Exception 6 to Section 150.2(a):** Photovoltaic systems, as specified in Section 150.1(c)14 including the exceptions listed therein, are not required for additions, except that additions of an entirely new upper level or that increase the building’s total roof area by thirty percent (30%) or more shall meet the photovoltaic requirements of Section 150.1(c)14.”

#### SECTION 6. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

#### SECTION 7. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk shall cause a copy of this Ordinance to be filed with the California Building Standards Commission in the manner required by law.

#### SECTION 8. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

[END OF ORDINANCE]

Attachments:  
Exhibit A – Findings  
Exhibit B – Finding Identification Document

## **EXHIBIT A**

### **City of Piedmont 2022 Building Code Adoption**

#### **REQUIRED FINDINGS**

**Finding A:** Local ordinances and regulations necessary to carry out procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for carrying out and enforcing building standards, and that do not establish building standards may be enacted without meeting the requirements of the state laws governing Title 24 building standards amendments. The City has made minor modifications to the administrative standards and procedures of the construction codes. The modified administrative standards and procedures are similar to those found in the administrative chapters of the various 2022 California Building Standards Code and do not establish or amend substantive building standards, thereby precluding the need for a finding.

**Finding B:** The City finds that making amendments and additions to the 2022 California Building Standards Code, California Code of Regulations, Title 24, that make more restrictive provisions for fire safety is reasonably necessary based on climatic, topographical and geological conditions described below; and those that make more restrictive provisions for the construction of signs, fences and retaining walls are reasonably necessary based on topographical and geological conditions described below.

#### **Climatic**

The average annual precipitation rate in Piedmont is 23 inches per year. Ninety-seven percent of precipitation occurs in the months of October through April, creating a dry season of five months per year. Additionally, periodic drought conditions extend the dry season and exacerbate fire hazard. Average relative humidity ranges between 60% to 80% but can drop to 20%. Normal wind pattern originates from the marine area to the west producing light, westerly winds of 9 mph. Occasionally, reverse wind flows from the inland valleys produce higher than normal easterly winds and carry with them warm air mass which result in severe fire hazard conditions. Average high temperatures in the dry season range from 66 degrees F to 72 degrees F; however, seasonal spikes can push temperatures in the upper 90's degrees F. The confluence of low precipitation, high temperatures, low relative humidity and high winds can create conditions of high fire hazard.

#### **Topographical**

Piedmont is a hillside community and most of the structures are single family dwellings built on sloping terrain. In most areas, the dwelling units are located in close proximity to one another and in many cases are less than 8 feet apart. Fires can easily spread from house to house and are more readily spread upslope in the direction of prevailing winds. All areas of Piedmont are designated as a Wildland-Urban Interface zone. Topographic changes and the winding roadways that are associated with hilly areas may constrain sight lines to signs, thus additional attention on their construction and location is warranted. Retaining walls built on Piedmont's steep terrain require structural reinforcement at a lower height to prevent failure. Taller fencing, tool and

storage sheds, playhouses and similar structures built on Piedmont's steep terrain create more fuel in the event of a wildfire, and are closer to the tree canopy and thereby act as part of a fuel ladder. These improvements should be kept to a minimum height that provides separation from the tree canopy. In addition, restricting the location of these structures and fuel load so that they are not located between the residence and street is necessary so that public safety access is not impeded during wildfire and other environmental hazard events.

#### Geological

Piedmont is located in a seismically active region and is within 2 km of the Hayward Fault. A major earthquake could restrict response time and overwhelm the capacity of firefighting personnel to control earthquake related fires. The City is in close proximity to the Hayward Fault and buildings in the City are constructed on steeply sloping terrain susceptible to landslides. Retaining walls constructed in the City are intended to stabilize the terrain and therefore need structural reinforcement at a lower height to prevent failure and earth movement during seismic events. Seismic activity may adversely affect signs elevated off the ground, thus additional attention on their construction is warranted.

#### Summary

The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits but did not damage any structures. Piedmont has the same climatic, geological and topographical conditions as those areas affected by the nearby 1991 fire. Therefore, it is reasonably necessary to amend and/or add this provision to the 2022 California Building Standards Code, California Code of Regulations, Title 24.

**Finding C:** Exceptions 1, 2 and 3 of CRC section 303.1 preclude the requirement in habitable rooms for natural ventilation and natural light respectively, which could result in construction of habitable rooms without any direct exterior means of escape or rescue. The local conditions outlined in Finding B increase the potential severity of fire hazard. Without direct exterior means for emergency escape or rescue, building occupant safety would be diminished in a fire event.

**Finding D:** Due to the hillside topography of Piedmont, the historical development pattern took the form of narrow, deep lots, as opposed to the typical suburban form of wide, shallow lots. As a result, most of the dwellings are in close physical proximity to one another. Limiting exterior sources of mechanically generated sound contributes to the health and overall wellbeing of the community.

**Finding E:** Local conditions outlined in Finding B increase the potential severity of fire hazard. When altering or repairing existing basements, improvements to occupant and fire fighter safety are warranted. Hence, requiring an emergency escape and rescue opening provides greater safety for both. Under floor areas or crawl spaces are not required to have openings to the exterior for emergency escape and rescue and must be clearly separated from basement spaces that do.

**Finding F:** Due to Piedmont's hillside topography and its underlying geology consisting shallow sedimentary deposits and bedrock, stricter control of drainage water is reasonable to maintain

building foundation performance, minimize water intrusion into enclosed below grade spaces and prevent exacerbation of subsurface water related issues to neighboring properties.

**Finding G:** Due to Piedmont's topography, structures constructed on sloping sites are common. Soil investigations contribute to proper foundation design and can minimize adverse effects to adjacent properties.

**Finding H:** Due to the hillside nature of Piedmont's topography, the construction of structure and landscape retaining walls are common. Stricter design controls are necessary to ensure the stability of the constructed retaining walls and the retained earth they support.

**Finding I:** Properly grounded electrical panels dissipate electrical surges safely and contribute to fire safety, an important consideration as outlined in Finding B.

**Finding J:** Capturing more construction debris waste and encouraging the timely removal of such waste from the project site is an important factor in reducing potential fuel for a fire at a project site and is an important consideration as outlined in Finding B.

**Finding K:** Due to Piedmont's topography, noted in Finding B, bathrooms in the homes can be small, resulting in spaces where glazed areas can be closely adjacent to tubs and showers, in addition to opposite the fixtures, creating hazardous conditions for medical and fire personnel responding to the area of the home where most accidents occur.

**Finding L:** Encouraging EV's to be charged and stored in garages helps to keep parked cars off narrow streets, allowing for better access for emergency vehicles, an important consideration as outlined in Finding B.

**Finding M:**

- The San Francisco Bay area region is densely populated and located in an area of high seismic activities. The City is bounded by the Hayward and San Andreas faults capable of producing major earthquakes.
- Concern for fire-life safety associated with gas appliances and associated piping located in the ground and in the buildings increase the risk of explosion or fire if there is a structural failure due to a seismic event considering the increasing density of buildings in the region.
- Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited resources of the Fire Department resulting to meet the fire and life safety needs of the community.
- Solar infrastructure on buildings reduces the need for pipelines and electrical transmission lines.
- The local geographic, topographic, and climatic conditions pose an increase hazard in acceleration, spread, magnitude and severity of potential fires in the City, and may cause a delayed response from emergency responders, allowing further growth of the fire.

- Over the next century, increasing levels of atmospheric greenhouse gas concentrates are expected to result in global temperature increases, and based on scientific literature and studies are likely to cause a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended period of drought. Local geographic, topographic and climatic conditions include risk of the following:
  - Fires. Piedmont is a hillside community and most of the structures are single-family dwellings built on sloping terrain. The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits but did not damage any structures. Piedmont has the same climatic and topographical conditions as those areas affected by the nearby 1991 fire. In most areas of Piedmont, the dwelling units are located in close proximity to one another and in many cases are less than 8 feet apart. Fires can easily spread from house-to-house and are more readily spread upslope in the direction of prevailing winds. As referenced by CalFire's Fire and Resource Assessment Program (FRAP), Wildland Urban Interface Map, all of Piedmont is within or immediately adjacent to an Interface or Influence Zone. All areas of Piedmont are located in a Wildland-Urban Interface (WUI) zone, which allows for heightened construction and regulatory standards to mitigate the spread of wildfires. In addition, wildfires located outside the area in 2018 and 2019 created a blanket of toxic smoke over the City, causing the worst air quality on record by the Bay Area Air Quality Management District for two consecutive weeks.
  - Landslides. Extreme storms as a result of climate change increases the chance of rainfall-induced landslide; fire and drought may kill vegetation in the City's WUI zone increasing runoff and potential for landslide.
  - Heat: Increased heat as a result of climate change can have a local impact on the health, safety and welfare of the City's population, especially those without resources to purchase air conditioning, the elderly, disabled, or those with children.
- Failure to address and substantially reduce greenhouse gas emissions creates an increased risk to the health, safety and welfare of the City residents, the City Council considers and adopts as findings the analysis contained in the staff report.
- Amendments to the California Codes have been adopted in the past by the City Council based on specific findings of local geographic, topographic and climatic conditions; and the City Council hereby reaffirms such findings and confirms that the facts on which such findings were based continue to exist.
- The provisions of this Ordinance establish more restrictive standards than the California Building Standards Code which will better serve to prevent or minimize structural damage and other impacts resulting from such local conditions.

**EXHIBIT B**

**City of Piedmont**  
Identification of Specific Findings Related to the  
Proposed Amendments and Additions  
2022 California Building Standards Code

**SUBSECTION 8.02.010.B 2022 CALIFORNIA BUILDING CODE – APPENDICES**

Appendix H	See Finding B.
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**SUBSECTION 8.02.010.L 2022 CALIFORNIA BUILDING CODE – APPENDICES**

Appendix D Fire Apparatus Access Roads	See Findings B & M.
Appendix I Fire Protection Systems – Noncompliant Conditions	See Findings B & E.
Appendix L Requirements for Fire Fighter Air Replenishment Systems	See Finding M.
Appendix N Indoor Trade Shows and Exhibitions	See Finding A.
Appendix O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses	See Finding A.

**SECTION 8.02.020 2022 CALIFORNIA RESIDENTIAL CODE – AMENDMENTS**

A. Section R105.1 – Permits Required	See Findings A & B.
B. Section R105.2 – Work Exempt from Permits	See Findings A & B.
C. Section R106.6 – Construction Documents	See Finding M
D. Section R109.1 – Types of Inspections	See Finding A.
E. Section R112.1 - General	See Finding A.
F. Section R202 – Definitions	See Findings A & M.
G. Section R302.15 – Deck Fire Protection	See Finding B.
H. Section R302.16 – Fire Protection for Overhanging Features	See Finding B.
I. Section R303.1 – Habitable Rooms	See Findings B & C.
J. Section R305.1.2 – Under Floor Area	See Findings B & E.
K. Section R309.8 – Electric Vehicle (EV) Charging Infrastructure	See Finding L.



L.	Section R310.7 – Alterations or Repairs of Existing Basements	See Findings B & E.
M.	Section R313.1 – Townhouse Automatic Sprinkler Systems	See Finding B.
N.	Section R313.2 – One and Two Family Dwellings Automatic Fire Systems	See Finding B.
O.	Section R319.1 – Site Address	See Finding A.
P.	Section R337.1.5 – Vegetation Management Compliance	See Finding B.
Q.	Section R337.2 – Definitions	See Finding B
R.	Section R401.3 – Drainage	See Finding F.
S.	Section R401.4.3 – Foundation and Soils Investigations – Where Required	See Finding G.
T.	Section R403.1.6. - Foundation Anchorage	See Finding A.
U.	Section R404.1.1 – Design Required	See Finding H.
V.	Section R405.1 - Concrete or Masonry Foundations	See Finding F.
W.	Section R507.2 – Materials.	See Finding B.
X.	Section R703.6 – Wood Shakes and Shingles	See Finding B.
Y.	Section R902.1 – Roof Covering Materials	See Finding B.
Z.	Section R902.1.1 – Roof Coverings within Very-High Fire Hazard Severity Zones	See Finding B.
AA.	Section R902.1.2 – Roof Coverings in all other Areas	See Finding B.
BB.	Section R905.7 – Wood Shingles	See Finding B.
CC.	Section R905.8 – Wood Shakes	See Finding B.
DD.	Section R1003.9.2 – Spark Arrestors	See Finding B.
EE.	Appendix AK. Section AK105 – Mechanically Generated Noise Sources	See Finding D.

**SECTION 8.02.030 2022 CALIFORNIA BUILDING CODE - AMENDMENTS**

A.	Section 105.1 – Permits Required	See Findings A & B.
B.	Section 105.2 – Work Exempt from Permits	See Findings A & B.
C.	Section 110.1 – Inspections, General	See Finding A.

D.	Section 701A.5 – Vegetation Management Compliance	See Finding B.
E.	Section 711.4 – Protection of Underside of Floors	See Finding B.
F.	Section 702A – Definitions	See Finding B.
G.	Section 903.2 – Automatic Sprinkler Systems Where required	See Finding B.
H.	Section 1405.2 – Wood Shingle Siding and Other Wood Siding	See Finding B.
I.	Section 1505.1 – General	See Finding B.
J.	Section 1505.1.1 – Roof Coverings within Very High Fire Hazard Severity Zones.	See Finding B.
K.	Section 1505.1.2 – Roof Coverings within all other areas	See Finding B.
L.	Section 1505.3 – Class B Roof Assemblies	See Finding B.
M.	Section 1505.4 – Class C Roof Assemblies	See Finding B.
N.	Section 1505.5 – Non-classified Roofing	See Finding B.
O.	Section 1505.6 – Fire-retardant Treated Wood Shingles and Shakes	See Finding B.
P.	Section 1507.8 – Wood Shingles	See Finding B.
Q.	Section 1507.9 – Wood Shakes	See Finding B.
R.	Section 1512.1 – General	See Finding B.
S.	Section 1803.2 – Investigations Required	See Finding G.
T.	Section 1805.4.3 – Drainage Discharge	See Finding F.
U.	Section 1807.2 – Retaining Walls	See Finding H.
V.	Section 2113.9.2 – Spark Arrestors	See Finding B.
W.	Section 2308.3.1 – Foundation Plates or Sills	See Finding A.
X.	Section 2803 – Mechanically Generated Noise Sources	See Finding D.

**SECTION 8.02.040 2022 CALIFORNIA MECHANICAL CODE - AMENDMENTS**

A.	Section 104.3.2 – Plan Review Fees	See Finding A.
B.	Section 104.5.4 – Permit Fees	See Finding A.
C.	Section 105.2.6 – Reinspections	See Finding A.

D.	Section 107.1 – General	See Finding A.
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**SECTION 8.02.050 2022 CALIFORNIA PLUMBING CODE - AMENDMENTS**

A.	Section 104.3.2– Plan Review Fees	See Finding A.
B.	Section 104.5 – Fees	See Finding A.
C.	Section 107.1 – General	See Finding A.
D.	Section 601.9 – Ground Driven Electrode Required	See Findings B & I.
E.	Section 1101.2 – Where Required	See Finding F.
F.	Section 1101.6.1 – Discharge	See Finding F.
G.	Section 1101.6.3 – Splash Blocks	See Finding F.
H.	Section 1101.6.5 – Open Area	See Finding F.
I.	Section 1501.3– Permit	See Finding A.
J.	Section 1503.1.1– Clothes Washer System	See Finding A.

**SECTION 8.02.060 2022 CALIFORNIA ELECTRICAL CODE - AMENDMENTS**

A.	Section 89.108.4.2 – Fees	See Finding A.
B.	Subsection 210.52(F) – Laundry Areas	See Finding M.
C.	Section 210.52 – Dwelling Unit Receptacle Outlets	See Finding M.
D.	Section 220.83 – Existing Dwelling Unit	See Finding M.
E.	Section 706.15 (A) – ESS Disconnecting Means	See Finding B.

**SECTION 8.02.070 2022 CALIFORNIA ENERGY CODE – AMENDMENTS**

A.	Subsection 100.1(b) – All Occupancies – General Provisions	See Finding M.
B.	Section 150.0 – Mandatory Features and Devices	See Finding M.
C.	Section 150.2(a) – Additions	See Finding M.

**SECTION 8.02.080 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE - AMENDMENTS**

A.	Section 301.1.1 – Additions and Alterations	See Findings B, J & M.
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**SECTION 8.02.090 2022 CALIFORNIA FIRE CODE - AMENDMENTS**

A.	Section 5601.1.3 – Fireworks	See Finding B.
B.	Section 5608.1 – General	See Finding B.

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916

January 24, 2024

City of Piedmont  
Planning and Building Department  
Paki Muthig, Building Official  
120 Vista Avenue  
Piedmont, CA 94611-4031  
[pmuthig@piedmont.ca.gov](mailto:pmuthig@piedmont.ca.gov)

Re: Ordinance # 767 – Partial, Ordinance 766

Dear Paki Muthig:

The purpose of this letter is to provide the determination of the California Building Standards Commission (CBSC) following review of the ordinance referenced above with express findings received from City of Piedmont on 12/29/22.

Our review finds the submittal to contain two ordinances modifying provisions of the 2022 California Building Standards Code, Title 24, California Code of Regulations (Title 24), including express findings and expressly marked modifications in compliance with Health and Safety Code (HSC) Sections 17958.7 and 18941.5. The code modification is accepted for filing with the **exception of Ordinance 767, Part 2.5 2022 California Residential Code Sections R105.1, R105.2** (A fence 6 feet high or less, a retaining wall which is not over 30 inches), **Part 2, 2022 California Building Code Sections 105.1, 105.2** (A fence 6 feet high or less, a retaining wall which is not over 30 inches), **and appendices D, F, G, H, Part 9, 2022 California Fire Code Appendices D, F, I, J, K, L, M, N and O**. Please review and provide findings for the aforementioned code sections to obtain a complete filing. This letter attests only to the satisfaction of the cited law for filing of expressly marked local code amendments supported by express findings with CBSC. CBSC is not authorized by law to evaluate the merit of the findings.

Local modifications to the code are specific to each edition of the code. Local modifications must be readopted and filed with CBSC for each subsequent triennial edition of the code to remain in effect.

Additional information: Fire Protection District ordinances making modifications to Title 24, HSC Section 13869.7 requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than CBSC. Ordinances making modifications to the energy efficiency and conservation provisions in the California Energy Code, Part 6 of Title 24, may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have questions or need further information, you may contact me at (916) 263-0916.

Sincerely,

*Beth Maynard*

Beth Maynard  
Associate Construction Analyst