PUBLIC HEARING: 8A

Meeting Date: January 14, 2026

TOWN OF MORAGA **STAFF REPORT**

To: **Honorable Mayor and Councilmembers**

From: **Sonia Urzua, AICP, Planning Director, Brian Horn, Principal Planner**

Subject: **Adoption of Ordinance Repealing and Replacing Moraga Municipal Code Chapter 15.05 "Building Codes" of Title 15 and Adopt by Reference Certain Sections of Contra Costa County Ordinance No. 2025-19, which Adopts the 2025 California Building Code Standards with Changes, Additions, and Deletions**

RECOMMENDATION

It is recommended that the Town Council take the following actions:

1. Waive the second reading and adopt an ordinance repealing and replacing MMC Chapter 15.04 "Building Codes" of Title 15 and adopting by reference certain sections of Contra Costa County Ordinance No. 2025-19, which adopts the 2025 California Building Code, the 2025 California Residential Code, the 2025 California Electrical Code, the 2025 California Mechanical Code, the 2025 California Plumbing Code, the 2025 California Energy Code, the 2025 California Historical Building Code, the 2025 California Existing Building Code and the 2025 California Green Building Standards Code with changes, additions and deletions, with adoption of findings to justify stricter construction standards to address local climatic, geological, or topographical conditions as authorized by Health and Safety Code sections 17958.5 and 18941.5.

2. Find the ordinance exempt from review pursuant to sections 15061(b)(3) and 15378(b) (5) of the California Environmental Quality Act.

BACKGROUND

The California Building Standards Commission has adopted the 2025 California Building Standards Code (CBSC), which replaces the 2022 CBSC and takes effect on January 1, 2026. The 2025 CBSC—which includes the California Building, Residential, Electrical, Plumbing, Mechanical, Green Building Standards, Wildland Urban Interface, Energy, Historical Building, Fire, and Existing Building Codes—establishes the minimum standards for building construction statewide. While these Building Codes apply throughout California, Health and

Safety Code Sections 17958.5 and 18941.5 allow local jurisdictions to adopt more restrictive standards when necessary due to local climatic, geological, topographical, or environmental conditions.

On November 4, 2025, the Contra Costa County Board of Supervisors adopted County Ordinance 2025-19, which adopts and amends the Building Codes to address County-specific conditions, as supported by the findings in the ordinance. The Contra Costa County Department of Conservation and Development provides building inspection and CBSC compliance services to the Town under a Joint Exercise of Powers Agreement (JEPA) dated June 17, 1975. Under the JEPA, the Town is required to adopt the County's Building Code ordinance within 120 days of receiving notice of any changes.

Assembly Bill (AB) 130, a budget trailer bill effective June 30, 2025, significantly limits local governments' ability to adopt new or more restrictive building standards affecting residential units between October 1, 2025, and June 1, 2031. During this period, local amendments affecting residential construction may only be adopted if they are substantially equivalent to local amendments in effect as of September 30, 2025, are approved by the State as emergency standards, relate to home hardening (including when proposed by a fire protection district), are necessary to implement certain pre-existing general plan policies, or are limited to administrative practices such as permit processing, fee schedules, permitting platforms, internal operating efficiencies, or programs related to enforcement of building code violations.

DISCUSSION

On November 12, 2025, the Town Council held a public hearing. It introduced an ordinance repealing and replacing Moraga Municipal Code Chapter 15.04 ("Building Codes") and adopting by reference certain sections of Contra Costa County Ordinance No. 2025-19, which implements the 2025 California Building Standards Code (CBSC). The Council did not propose any changes to the ordinance at that meeting, and at that time, set a public hearing date of January 14, 2026 for the second reading and adoption of the ordinance.

County Ordinance 2025-19 amends the Building Codes to address local climatic, geological, topographical, and environmental conditions. The local amendments carried forward into the 2025 CBSC are the same as those adopted in the 2022 CBSC cycle and include: (1) Building Code provisions addressing smoke detection in existing flat-roof buildings when pitched roofs are added, enhanced concrete inspection and design requirements to improve seismic performance, minimum standards for slabs-on-ground, and a requirement that wood shakes or shingles used as exterior wall coverings be fire-treated; (2) Residential Code provisions restricting the use of certain wall-bracing materials that have performed poorly in California earthquakes; and (3) more stringent CalGreen requirements for Level 2 electric vehicle charging in new multifamily and non-residential developments.

The County ordinance also includes CalGreen amendments for construction and demolition (C&D) debris recycling. Because the Town already regulates C&D recycling under MMC §15.08, consistent with the RecycleSmart model ordinance, staff continues to recommend that the Town not adopt the County's C&D-related CalGreen amendments, as allowed under the Joint Exercise of Powers Agreement (JEPA).
Assembly Bill (AB) 130 limits local jurisdictions' ability to adopt new or more restrictive building standards affecting residential units between October 1, 2025, and June 1, 2031, except under narrowly defined circumstances. The proposed local amendments, which mirror those in

effect during the 2022 CBSC cycle, may continue under AB 130. The only more restrictive residential amendment is the revision to California Building Code Section 1405.2, requiring all wood shakes or shingles used for exterior wall coverings to be fire-treated. This change qualifies as a home-hardening measure by providing additional fire protection for the subject dwelling and neighboring homes and is therefore permissible under AB 130.

Part 7 (Wildland Urban Interface Code) and Part 9 (California Fire Code) of the CBSC are not adopted by County Ordinance 2025-19. These codes, with local amendments, will instead be adopted by the Moraga-Orinda Fire District (MOFD) and brought to the Town Council for ratification at a future meeting. Once adopted for the Town's geographic boundaries, the Contra Costa County Department of Conservation and Development will enforce the special building construction requirements in Chapter 5 of Part 7 for structures located in Wildland Urban Interface and High or Very High Fire Hazard Severity Zones, while MOFD will enforce the remaining fire- and vegetation-management-related provisions.

If the proposed ordinance is adopted, it must be filed with the California Building Standards Commission before it can be enforced.

FISCAL IMPACT

There is sufficient funding in the adopted FY 2025-2026 General Fund Budget to cover the time and publication costs associated with preparing the proposed Ordinance. The attached amendments will not increase costs for existing residents, as they are consistent with the County's existing building code regulations.

CEQA COMPLIANCE

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).

ALTERNATIVES

1. Waive the second reading and adopt the proposed ordinance with modifications, which would require the ordinance to undergo another first reading.

2. Do not waive the second reading and adopt the ordinance and provide staff direction.

3. Take no action. In this case, the California Building Standards would remain in effect within the Town's jurisdiction without amendments, and the Town's regulations would not be consistent with the County's building code regulations, which would violate the 1975 Joint Exercise of Powers Agreement between Contra Costa County and the Town of Moraga.

NEXT STEPS

Ordinances that are adopted by reference require the Town Council to set a date for the second public hearing of the proposed Ordinance, and a public hearing notice of the second hearing be published pursuant to California Government Code sections 50022.2 and 50022.3.

ATTACHMENTS

Attachment A - Proposed Ordinance Adopting 2025 Building Code
Attachment B - Contra Costa Ordinance No. 2025-19 - Findings
Attachment C - Contra Costa Ordinance No. 2025-19 - Adoption of 2025 Building Standards Code