# Title 15  BUILDINGS AND CONSTRUCTION

**Chapters:**

## Chapter 15.08 BUILDING CODE[[1]](#footnote-1)

### ARTICLE I. INCORPORATION BY REFERENCE

15.08.010 Code adoption and title.

*The County of Alameda adopts the 2022 California Building Code (CA Title 24, Part 2, Volumes 1 and 2), the 2022 California Residential Code (CA Title 24, Part 2.5), the 2022 California Energy Code (CA Title 24, Part 6), the 2022 California Green Building Standards Code CALGreen (CA Title 24, Part 11), the 2022 California Existing Building Code (CA Title 24, Part 10) and the 2022 California Historical Building Code (CA Title 24, Part 8) (collectively the "Codes") as compiled and published by the International Code Council, modified by the California Building Standards Commission, and modified by the additions, deletions, and amendments set forth in this Chapter. The Codes are incorporated by reference into this Chapter, which shall be known as the Building Code of the County of Alameda.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE II. CALIFORNIA BUILDING CODE, AMENDED AND ADDED SECTIONS TO 2022 CALIFORNIA BUILDING CODE (CA TITLE 24, PART 2):

15.08.011 CBC Preface.

p. i—iv. *{See CBC}*

p. v. ***[BID]***

**How to Distinguish Between Model Code Language and California Amendments*as well as Alameda County Amendments (as amended)***

To distinguish between model code language and the incorporated California amendments, including exclusive California standards, California amendments will appear in italics *in the CBC. County of Alameda "County" amendments to the CBC, including local County standards, will appear in italics in this chapter of the General Ordinance Code.*

***[BSC]****{See CBC}*

***[BID][Road]****A similar symbol within a section of this chapter identifies which County agency, department, or section is responsible for amendments to the CBC.*

**Legend of Acronyms of Adopting State Agencies***{See CBC}*

***Alameda County Legend of County Agencies, Departments, and Sections***

|  |  |
| --- | --- |
| *AC* | *Alameda County Ordinance Code* |
| *BID* | *Building Inspection Department of the Alameda County Public Works Agency* |
| *CDA* | *Community Development Agency of Alameda County* |
| *Cln Water* | *Land Development Department (Clean Water) of the County Public Works Agency* |
| *FIRE* | *Alameda County or City Fire districts or departments* |
| *Flood* | *Land Development Department (Flood) of the Alameda County Public Works Agency* |
| *Grd* | *Land Development Department Grading Section of the Alameda County Public Works Agency* |
| *HLTH* | *Health Care Services Agency of Alameda County or the Public Health Department of Alameda County* |
| *Road* | *Land Development Department (Roadway) of the Alameda County Public Works Agency* |

p. vi — xxxix. *{See CBC}*

p. 1 to 4. *{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.020 CBC Ch. 1 Scope and Administration, Division I, California Administration.

**1.1.1*through1.1.7.****{See CBC}*

**1.1.8*County amendments, additions or deletions [BID].****The County has exercised its authority* to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. *{Delete remaining sentences in this paragraph}.*

*The County* modifications *comply* with Health and Safety Code Section 18941.5 for Building Standards Law, Health *and* Safety Code Section 17958 for State Housing Law. *{Delete remaining sentence}.*

**1.1.8.1 Findings and filings.***{See CBC}*

**1.1.9 Effective date of this code*[BID].****This code shall be effective thirty (30) days from and after the date of the passage of the enabling Ordinance or January 1, 2023, whichever comes later. {See CBC for the remainder of the paragraph}.*

**1.1.10*through*1.1.12.***{See CBC}*

**1.2*through*1.14.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.030 CBC Ch. 1, Division II, Scope and Administration, Section 101, Scope and General Requirements.

**101.1 Title*[BID].*** These regulations shall be known as the Building Code of *the County of Alameda,* hereinafter referred to as "this code."

**101.2 Scope.***{See CBC}*

**101.2.1 Appendices*[BID].****Provisions in the appendices shall not apply unless specifically adopted. The following CBC appendices are adopted and amended, as noted, by the County:*

*1. Appendix C, Group U — Agricultural Buildings — Adopted*

*2. Appendix G, Flood-Resistant Construction — Adopted and amended in Section 15.08.300.*

*3. Appendix I, Patio Covers — Adopted.*

*4. Appendix P, Emergency Housing — Adopted.*

**101.3 Purpose.***{See CBC}*

**101.4 Referenced codes.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.040 CBC Ch. 1, Division II, Scope and Administration, Section 103, Department of Building Safety.

**103.1 Creation of enforcement agency*[BID].*** The *Building Inspection Department* is hereby created and the official in charge thereof shall be known as the building official.

**103.2 Appointment*[BID].*** The building official shall be appointed by the *director of the public works agency of the County.*

**103.3 Deputies*[BID].*** In accordance with the prescribed procedures of *the County* and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.050 CBC Ch. 1, Division II, Scope and adminstration, Section 104, Duties and Powers of Building Official.

**104.1 General*[Road].*** The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions, *including policies and procedures that would allow other employees of the County, acting under direction of the director of public works, to issue permits in support of this code.* Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2***{See CBC}*

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas*[FLOOD].*** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or Section R322 of the California Residential Code, *AC Section 15.08.300, and AC Chapter 15.40, as applicable.*

**104.3***{See CBC}*

**104.4 Inspections*[Road].*** The building official shall make the required inspections, or the building official shall have the authority to accept reports of inspection *by other employees or agents of the County, acting under direction of the director of public works, in the inspection of civil engineering measures and other related improvements or by other* approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 through 104.7***{See CBC}*

**104.8 Liability*[BID].*** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *County* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

**104.8.1 Legal defense*[BID][Road].*** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the *County* until the final termination of the proceedings. The building official or any subordinate *or other County employee* shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

***104.8.2 Indemnity [BID][Road].****{Added} To the fullest extent permitted by law, any person taking a permit under the provisions of this code (hereinafter "permittee") shall indemnify, defend, and hold harmless the County, the Board of Supervisors, the building official, the director of public works, and all other officers, employees, and agents of the County (hereinafter collectively "indemnitees") from any and all claims, losses, damages, liabilities, or expenses, including reasonable attorney fees incurred in the defense thereof, that arises out of or is in any way connected to the issuance of a permit under this code or to work performed by permittee or permittee's contractors, consultants, or agents under such a permit, for the death of or injury to any person or persons (including the permittee's or the County's employees), or due to damage to any property (collectively "liabilities"). The only exceptions to this duty to indemnify, defend, and hold harmless are for those liabilities caused solely by the negligence or willful misconduct of any indemnitee.*

**104.9*through*104.10.***{See CBC}*

**104.10.1 Flood hazard areas.*[Flood]*** The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 *and by AC Section 15.08.300* unless a determination has been made that: 1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate. 2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable. 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances. 4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard. 5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**104.11 Alternative materials, design and methods of construction and equipment.***{See CBC}*

**104.11.1 Research reports.***{See CBC}*

**104.11.2 Tests.***{See CBC}*

**104.11.3 Peer review*[BID].****{Added} The building official shall have the authority to require peer review by qualified professionals in conjunction with the approval of alternative materials, designs, and methods of construction.*

**104.11.4 Earthquake monitoring instruments.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.060 CBC Ch. 1, Division II, Scope and Administration, Section 105, Permits.

**105.1*through*105.1.2***{See CBC}*

**105.2 Work exempt from permit*[BID][Flood].*** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of *the County.* Permits shall not be required for the following: *(Note: Exemptions below must comply with AC Section 15.08.300 and with AC Chapter 15.40 of this title for properties located within a flood hazard area.)*

**Building:**

 1. One-story detached accessory structures *accessory to Group R-3 occupancy, that are* used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11m2 ). It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.

 2. Fences *using concrete, masonry, or similar heavy materials not over 5 feet 9 inches (1753 mm) high or fences using light materials* not over 7 feet (2134 mm) high.

 3. Oil derricks.

 4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless: *1)* supporting a surcharge or impounding Class I, II or IIIA liquids, *or 2) retaining walls at a property line or within a distance from the property line equal to the exposed height of the front of the wall.*

 5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1 *used for irrigation or agricultural purposes.*

 6. *Raised decks, platforms, ramps,* sidewalks and driveways *accessory to Group R-3 and U occupancies* not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

 7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

 8. Temporary motion picture, television and theater stages sets and scenery.

 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

 10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

 11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

 12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

*14. Flagpoles and pole-type radio and television antennas, 35 feet (10.7 M) or less in height when not attached to a building or structure and 20 feet (6.1 M) or less in height, as measured from the ground, when attached to a building or structure.*

**Electrical:***{See CBC and AC 15.12}*

**Gas:***{See CBC and AC 15.20}*

**Mechanical:***{See CBC and AC 15.16}*

**Plumbing:***{See CBC and AC 15.20}*

**105.2.1 Emergency repairs.***{See CBC}*

**105.2.2 Public service agencies.***{See CBC}*

**105.3 Application for permit.***{See CBC}*

**105.3.1 Action on application.***{See CBC}*

**105.3.2 Time limitation of application*[BID].*** An application for a permit for any proposed work shall be deemed to have been abandoned *one year* after the date of filing, unless a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods. The extension shall be requested in writing and justifiable cause demonstrated *prior to each said expiration date. Plans and other data submitted for review of the abandoned application may be returned to the applicant or discarded by the building official.*

***105.3.2.1 First extension [BID].****{Added} The building official is authorized to grant the first extension of time for periods not exceeding one year following the said expiration date on the initial application.*

***105.3.2.2 Additional extensions [BID].****{Added} The building official is authorized to grant additional extensions for periods not exceeding 180 days, provided all of the following are met:*

*1. Payment of any extension fee is received based on the remaining plan check and administrative costs determined by the building official.*

*2. No significant changes have been made or will be made from the original plans and specifications.*

*3. All proposed work conforms to the laws, regulations, rules, and ordinances in effect at the time of granting the extension.*

**105.4 Validity of permit.***{See CBC}*

**105.5 Expiration*[BID].*** Every permit issued shall become invalid unless the work on the site authorized by such permit is *completed within one year from the date of issuance, with the following exceptions:*

*1. The building official is authorized to grant longer time periods for specific projects.*

*2. The building official is authorized to establish a reasonable time period to complete a permit issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or to rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building or structure or equipment, or to otherwise abate a nuisance.*

*3. The building official is authorized to establish a shorter time period of less than one year for a permit issued for certain short-term projects. These projects may include, but are not limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.*

***105.5.1 Renewal [BID].****{Added} The permit holder may renew a permit for a period of no longer than one year beyond the original expiration date, provided that the request for renewal is submitted to the building official prior to the said expiration date, and provided all of the following apply:*

*1. No changes have been made or will be made in the original plans and specifications.*

*2. No laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. The renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal.*

*3. Payment of any applicable renewal fee is received.*

***105.5.2 Completion permit [BID].****{Added} In the event that an initial or a renewed permit expires before the work is complete, the permit holder may request the building official to issue a "completion " permit prior to the said expiration date, provided that:*

*1. The building official is authorized to require additional plans and documents, plan review, and/or the update or reassessment of the valuation for the incomplete work.*

*2. No changes have been made or will be made in the original plans and specifications.*

*3. No laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. The completion permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance.*

*4. All work shall be completed within 180 days.*

*5. Payment of an established completion permit fee is received. The building official shall determine the fee based on the number of inspections remaining to be performed. The following schedule may be used to assess the completion permit fee for residential wood frame buildings based on the completed and inspected work:*

|  |  |
| --- | --- |
| ***Completed Inspections*** | ***% of Updated Valuation*** |
| *None* | *60* |
| *Foundation* | *55* |
| *Under-floor* | *50* |
| *Shear Wall* | *40* |
| *Rough Framing* | *30* |
| *Lath or Gypsum Board* | *20* |
| *Gas Test* | *15* |
| *All, Except Final* | *10* |

**105.6 Suspension or revocation.***{See CBC}*

**105.7 Placement of permit.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.070 CBC Ch.1, Division II, Scope and Administration, Section 107, Submittal Documents.

**107.1*through*107.2.5***{See CBC}*

**107.2.6 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, design flood elevations, *seismic hazard areas, and earthquake fault zones;* and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**107.2.6.1 Design flood elevations.** Where *100-year* flood elevations are not specified, they shall be established in accordance with *AC Section 15.08.170.*

**107.2.7*through*107.5***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.080 CBC Ch.1, Division II, Scope and Administration, Section 108, Temporary Structures and Uses.

**108.1***{See CBC}*

**108.2 Conformance*[Flood].*** Temporary structures and uses shall comply with the requirements in Section 3103 *and AC Section 15.08.300.*

**108.3*through*108.4***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.090 CBC Ch.1, Division II, Scope and Administration, Section 109, Fees.

**109.1 Payment of fees.***{See CBC}*

**109.2 Schedule of permit fees*[BID].****Fees shall be as set forth in a fee schedule adopted for this purpose by resolution of the Board. The said schedule shall establish, but not be limited to, fees for permit issuance and inspections, filing of certain permit exemptions, regular plan reviews, Title 24 energy conservation reviews, termite report reviews, special or additional plan checking, off-hour inspections, reinspections, movement of buildings or structures, demolition of buildings or structures, permit renewals, completion permits, site permits, and administrative costs.*

**109.3*through*109.5***{See CBC}*

**109.6 Refunds*[BID].****The building official shall not authorize refunding of any fee paid to the building official except on written application filed by the original permittee.*

*The building official may authorize refunding of any fee paid under this code that was erroneously paid or collected.*

*The building official may authorize the refunding of a maximum of 60% of the initial permit fee paid to the building official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the building official may authorize refunding of not more than 30% of the said permit fee, provided that the request for refund is submitted within one year following the permit expiration; after one year beyond the permit expiration date, no refund of the permit fee shall be authorized.*

*The building official may authorize the refunding of a maximum of 60% of the plan review fee paid to the building official if no plan review comments have been issued by the building official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the building official.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.100 CBC Ch. 1, Division II, Scope and Administration, Section 110, Inspections.

**110.1*through*110.3.1***{See CBC}*

**110.4 Inspection agencies*[Road][Cln water].*** The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability. *In particular, the building official may accept reports from the director of public works pertaining to the inspection of site permits.*

**110.5*through*110.6***{See CBC}*

**110.6 Approval required.***{See CBC}*

***110.7 Inspection record card [BID].****{Added} Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available the inspection record card provided by the building official. The building official shall make the required entries on the said card so as to indicate the inspection status of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.*

***110.8 Reinspections [BID].****{Added} A reinspection fee may be assessed, based on the established fee schedule, when inspection is called for but is not complete or when corrections called for are not made.*

*This Section 110.8 is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.*

*Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, there is failure to provide access on the date for which inspection is requested, or there is deviation from plans requiring the approval of the building official.*

*To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee.*

*In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.110 CBC Ch.1, Division II, Scope and Administration, Section 111, Certificate of Occupancy.

**111.1*Change of Occupancy. [BID][Road][Cln water].*** A building or structure shall not be used or occupied, and a change *in the existing use or occupancy classification* of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *County.*

*Final inspection and approval of work, as noted on the inspection record for a building or structure, will be deemed to be the building official's authorization to occupy or use that building or structure, provided that the said occupancy or use is in accordance with the occupancy or use stated on the issued permit and that all other permits issued by the director of public works related to the use and occupancy of the said building or structure have been satisfactorily closed.*

**111.2 Certificate issued*[BID][Road][Cln water].*** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws *or ordinances of the County* that are enforced by the department of building safety, *upon a request from the property owner,* the building official shall issue a certificate of occupancy *within 10 working days* that contains the following:

 1. The building permit number.

 2. The address of the structure.

 3. The name and address of the owner or the owner's authorized agent.

 4. A description of that portion of the structure for which the certificate is issued.

 5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

 6. The name of the building official.

 7. The edition of the code under which the permit was issued.

 8. The use and occupancy, in accordance with the provisions of Chapter 3.

 9. The type of construction as defined in Chapter 6.

 10. The design occupant load.

 11. Where an automatic sprinkler system is provided, whether the sprinkler system is required.

 12. Any special stipulations and conditions of the building permit.

**111.3 through 111.4***{See CBC}*

***111.5 Abandonment of legal occupancy [BID].****{Added} Whenever the legal occupancy or use of a building or structure, other than a one or two family dwelling, is abandoned continuously for a period of one year or more, the said building or structure may be considered to have no legal occupancy and may be so declared by the building official. When this building or structure is next to be occupied or used after such declaration, the building official may require the building to be upgraded to comply with requirements of the new occupancy or use as specified in this code.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.120 CBC Ch. 1, Division II, Scope and Administration, Section 113, Board of Appeals.

**113.1 General*[BID].*** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be *nominated by the building official and shall hold office at the pleasure of the Board of Supervisors.* The board shall adopt rules of procedure for conducting its business. *The building official shall be an ex-officio member of and shall act as secretary to said board, but shall have no vote on any matter before the board. Administrative fees shall be paid by the applicant to the building department to process the appeal. Administrative appeals pertaining to violations shall be heard pursuant to Section 15.08.130 and shall be heard by the bodies and officers set forth for such appeals as specified in the AC General Ordinance Code, including this chapter.*

**113.2 Limitations on authority.***{See CBC}*

**113.3 Qualifications*[BID].*** The board of appeals shall consist of *three* members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the *County.*

**113.4 Administration.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.130 CBC Ch. 1, Division II, Scope and Administration, Section 114, Violations.

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

***114.1.1 Illegal buildings [BID].****{Added} Any building, structure, equipment, or portion thereof, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, or equipped without a permit when such permit is required by this code shall be declared to be illegal and shall be abated by being made to conform to this code and to all pertinent laws, rules, regulations, or ordinances, by demolition and removal as specified in the AC General Ordinance Code, or by any other remedy available at law.*

**114.2 Notice of violation*[BID].*** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. *The written orders and notices shall include but are not limited to the following:*

*1. Stop work orders in accordance with AC Section 15.08.140.*

*2. Illegal building declarations, in accordance with this section.*

*3. Orders to discontinue uses and to vacate building, in accordance with this section.*

*4. Orders to discontinue utility service or services, in accordance with this section.*

*5. Orders to remove or restore unsafe conditions in accordance with AC Section 15.08.150 or to abate substandard buildings in accordance with AC Chapter 15.24.*

**114.3 Prosecution of violation*[BID].*** If the notice of violation is not complied with promptly, the building official is authorized to request the *County* counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. *Any person failing to comply with a notice of violation or order served in accordance with this Section 114 shall be deemed guilty of a misdemeanor or civil infraction as determined by the County, and the violation shall be deemed an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case, but is only required to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.*

**114.4 Violation penalties*[BID].*** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to *a fine or fines, in accordance with the following schedule:*

*1stviolation: one hundred thirty dollars ($130).*

*2ndviolation at the same location within one year: four hundred dollars ($400.00).*

*3rdviolation at the same location within one year: one thousand dollars ($1000.00).*

*Any such violation beyond the 3rdviolation at the same location may be charged as a misdemeanor or civil infraction, punishable in accordance with the provisions of Section 114.3.*

*Such fines shall be levied by means of invoices mailed by the building official to the violator. Any person receiving notice of an administrative enforcement fee or fine from the building official may appeal such action to the director of public works by submitting a letter and administrative fee, contesting that fee or fine within 10 days from the date of the notice. Upon receipt of such request, the director of public works or designated staff shall set a hearing at the earliest practical date. The decision at the hearing shall be final.*

*In the event an invoiced fine that has not been relieved through appeal remains unpaid for 6 months, the building official shall have the authority to request that the amount of the fine be collected by the tax assessor as a tax lien against the property noted in the violation.*

*A violation shall be considered as a separate offense for each day during which a property remains in violation of this section.*

***114.5 Discontinue uses and vacate building [BID].****{Added} Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the building official, the building official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All notices of buildings or structures to be vacated shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the building official shall post the notice in a conspicuous place.*

*No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the building official.*

*Any person violating a notice issued pursuant to this section shall be guilty of a misdemeanor or civil infraction, punishable in accordance with the provisions of Section 114.3.*

***114.6 Authority to order discontinuance of utilities [BID].****{Added} The building official shall have the authority to order the discontinuance of electrical energy, fuel gas, or water supply to any building or structure in one of more of the following categories:*

*1. A building or structure that is being used or occupied in violation of this code or any pertinent law, rule, regulation, or ordinance, as described in this section.*

*2. A building or structure that is deemed to be unsafe, as described in AC Sections 15.08.150.*

*3. A building or structure that is determined to be illegal, as described in this section.*

*4. A building or structure that is determined to be substandard, as described in AC Chapter 15.24 of this title.*

*Any such order of discontinuance shall be in writing and shall state the nature of the condition(s) requiring the discontinuance of utility service or services, and the time when such service or services shall be discontinued. The order shall be sent to the person supplying the said electrical energy, fuel gas, or water, with copies to the person using the said utilities and the owner of the property. The discontinued utility service(s) shall not be restored pending the completion of any required corrections and the approval of the same by the building official.*

***114.7 Investigation fees for work without a permit [BID].****{Added} Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the building official shall perform an investigation prior to the issuance of the permit authorizing the work. An investigation fee shall be charged to offset the cost of said investigation. This fee shall be in addition to any other regular plan review or permit fees, and shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be assessed by the building official in accordance with the established fee schedule of this Chapter and based upon circumstances and extent of the violation. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.140 CBC Ch. 1, Division II, Scope and Administration, Section 115, Stop Work Order.

**115.1*through*115.3***{See CBC}*

**115.4 Failure to comply*[BID].*** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be *liable for a fine and penalties in accordance with AC Section 15.08.130.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.150 CBC Ch. 1, Division II, Scope and Administration, Section 116, Unsafe Structures and Equipment.

**116.1 Unsafe conditions*[BID][CDA]*** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, *or that are deemed to be in violation of Section 15.24.070 of this title* shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

**116.2*through*116.4***{See CBC}*

**116.5 Restoration or abatement.*[BID].*** Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of the a structure, premises or equipment deemed unsafe by the building official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the California Existing Building Code and *AC Chapter 15.24 of this title.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.160 CBC CH. 2, Definitions, Section 201, General.

**201.1*through*201.2***{See CBC}*

**201.3 Terms defined in other codes,*ordinances, regulations, or sections [BID].*** Where terms are not defined in this code, and are defined in the *California Energy Code, California Existing Building Code, California Fire Code, California Green Building Standards Code, California Electrical Code, California Mechanical Code, California Plumbing Code, or in other ordinances or regulations of the County or state, or in other sections of this ordinance,* such terms shall have the meanings ascribed to them as in those codes, *ordinances, regulations or sections.*

**201.4 Terms not defined.***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.170 CBC Ch. 2, Definitions, Section 202, Definitions.

*{See CBC, and the following words and terms and their meanings are added and modified:}*

***DESIGN FLOOD [Flood].****The flood hazard, as determined by the floodplain administrator, against which a building, structure, or facility that is not a historical building or structure must be protected.*

**DESIGN FLOOD ELEVATION*(DFE) [Flood].****The elevation of the design flood as related to a particular building, structure, or facility in a flood hazard area. The DFE shall be equal to or higher than the base flood elevation, and shall be determined by the floodplain administrator in accordance with a design guideline published by him/her for that purpose.*

***DISTRICT [Flood].****The Alameda County Flood Control and Water Conservation District.*

***FLOODPLAIN ADMINISTRATOR [Flood].****The director of public works, or his/her authorized representative.*

**FLOODWAY*[Flood].*** The *central* channel of the river, creek or other *riverine waterway* and the adjacent land areas that must be reserved *from unauthorized development* in order to discharge the base flood without cumulatively increasing the water surface elevation *at any point within the unincorporated County. Floodways are shown on the Flood Insurance Rate Map, or may be designated by the floodplain administrator. See "FLOODWAY SETBACK."*

***FLOODWAY SETBACK [Flood].****A setback zone adjacent to a floodway, in accordance with AC Chapter 13.12 of Title 13 of the general ordinance code.*

***GENERAL ORDINANCE CODE [Flood].****The general ordinance code of the County.*

**JURISDICTION*[BID].****The County.*

**LOWEST FLOOR*[Flood].****For buildings and structures located within a special flood hazard area shown on the Flood Insurance Rate Map as Zone A, AE, A1-30, A99, AR, AO, or AH, the* floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage, *or a combination of such usages,* provided that such enclosure is not built so as to render the structure in violation of Section 1612. *For buildings and structures located within a special flood hazard area shown on the Flood Insurance Rate Map as Zone V, VO, VE, or V1-30, the lowest structural member of the floor system. See "LOWEST FLOOR ELEVATION."*

***LOWEST FLOOR ELEVATION [Flood].****For buildings and structures located within a special flood hazard area shown on the Flood Insurance Rate Map as Zone A, AE, A1-30, A99, AR, AO, or AH, the top finished surface of the lowest floor, provided that this floor is not fitted with underfloor insulation. If the lowest floor is fitted with underfloor insulation, the bottom of that insulation unless the insulation is one of the following:*

*a. Sprayed polyurethane foam; or*

*b. Closed-cell plastic foam; or*

*c. Composed of other materials deemed to be flood-resistant by the building official.*

*For buildings and structures located within a special flood hazard area shown on the Flood Insurance Rate Map as Zone V, VO, VE, or V1-30, the bottom of the lowest structural member of the floor system.*

***OBSTRUCTION [Flood].****Any object below the design flood elevation that could cause an increase in flood elevation, deflect floodwaters, or transfer load to any structure.*

***WATERWAY [Flood].****See AC Chapter 15.40 of Title 15 of the general ordinance code.*

***ZONE 7 WATER AGENCY [Flood].****The Zone 7 Water Agency of the District.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.180 CBC Ch. 4, Special Detailed Requirements Based on Use and Occupancy {See CBC} Section 458 Special Provisions for Stormwater Protection.

***[Cln Water]****{Added}*

***458.1 Scope.****This Section applies to the special uses and occupancies described herein, including those stormwater protection provisions specified in accordance with Provision C.3.c.i.(1) of Order R2-2022-0018 of the California Regional Water Quality Control Board, San Francisco Bay Region or the latest adopted orders or provisions.*

***458.2 General.****The provisions of this Section shall apply to all regulated projects. These provisions shall apply to other new construction and reconstruction projects on a maximum extent practicable basis, as determined by the building official.*

***458.3 Definitions.****The following terms shall, for the purposes of this Section, have the meanings shown herein:*

***PERMEABLE SURFACES.****Relatively pervious load-bearing materials used in place of impervious surfaces to reduce the runoff coefficient, thereby reducing the flow rate of stormwater runoff from a building site. Permeable surfaces include pervious concrete, porous asphalt, unit pavers, and granular materials such as crushed aggregate.*

***REGULATED PROJECT.****Any project defined as such in Provision C.3.b.ii of Order R2-2022-0018 of the California Regional Water Quality Control Board, San Francisco Bay Region or the latest adopted orders or provisions.*

***SITE DESIGN.****The process of planning, designing, and constructing a project so that the causes or drivers of stormwater pollution are minimized through a combination of elements, including but not limited to, the following:*

*1. The preservation of natural infiltration.*

*2. The preservation of natural drainage.*

*3. The preservation of existing vegetation and other environmentally sensitive areas.*

*4. The minimization of impervious area.*

*5. The disconnection of impervious areas.*

*6. The minimization of the construction footprint.*

***458.4 Discharges.****Discharges from the following sources shall be plumbed to the sanitary sewer, subject to the processes and standards of the applicable sanitary district:*

*1. Fueling pads in a motor vehicle fueling station shall be sloped at least 1% to a centrally located floor drain or drains. The pad area shall encompass the length at which each fuel dispensing hose and nozzle assembly can be operated plus one foot (305 mm), but in no case shall the pad be less than 6 feet 6 inches (1981 mm) from the corner of each dispensing pump. Stormwater runoff from all contiguous paved areas shall be intercepted and directed away from the fueling pad through the use of grade breaks, valley gutters, and/or curbs.*

*2. Drains for food preparation at restaurants or food processing facilities that are required for the cleaning of floor mats, equipment, hood filters, or other food preparation utensils, including covered outdoor wash racks. Signs shall be posted within the food preparation areas indicating that cleaning of such mats, equipment, filters, and utensils shall be conducted using the protected wash racks.*

*3. Dumpster drips from covered trash, food waste, and compactor enclosures.*

***Exception:****Enclosures that will be used to house dumpsters or other containers that will be used only for handling dry, stable materials such as paper and cardboard waste that, in the judgment of the building official, would not constitute a pollution hazard to the stormwater collection system may not be required to plumb the floor of the enclosure to the sanitary sewer, provided that the owner of the property furnishes the building official with a signed statement indicating that such limited usages shall be maintained and that a program of regular dry sweeping and cleanup of the area will be implemented.*

*4. Discharges from covered commercial car washers, covered outdoor wash areas for vehicles, equipment, and accessories.*

*5. Water from swimming pools, hot tubs, spas, and fountains.*

***Exception:****Water from existing swimming pools, hot tubs, spas, and fountains may be discharged to on-site vegetated or landscaped areas, provided that such areas can accept the discharge without allowing it to overflow to the stormwater collection system, a watercourse, or property owned by others.*

*6. Fire Sprinkler test water*

***Exception:****May be discharged to on-site vegetated or landscaped area, provided that such areas can accept the discharge without allowing it to overflow to the stormwater collection system, a watercourse, or property owned by others.*

***458.5 Motor vehicle repair garages.****Repair garages shall be covered and shall provide secondary containment for any areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, battery acid or other hazardous materials or wastes are used or stored. The floors of repair garages and any tanks, containers, and sinks used for parts cleaning or rinsing shall not drain to the stormwater system and may only be connected to the sanitary system when so approved by the applicable sanitary district and allowed by an industrial waste discharge permit issued by the State Water Resources Control Board.*

***458.6 Motor vehicle fueling station canopies.****Station canopies shall be sized to cover the entire fueling pad area, as defined in Section 458.4(1), plus the width of the adjacent grade breaks, valley gutters, and/or curbs, and shall not drain into the fueling pad area.*

***458.7 Outdoor facilities and loading docks.****Outdoor facilities used for material storage, trash storage, cleaning, repair, processing, fueling or other activities and loading docks, the stormwater runoff from which, in the judgment of the building official, would constitute a pollution hazard to the stormwater collection system, shall be covered, drained, and protected from stormwater run-on in accordance with standards developed for this purpose by the director of public works. Said cover or canopy shall be sized to cover the entire area, including the curbs, grade breaks, or valley gutters, and to overhang any wall openings by at least 12 inches.*

***458.8 Air Conditioning or equipment condensate.****Condensate from air conditioning units or other equipment shall be directed to landscaped areas or the ground. Discharge to a storm drain system may be allowed if discharge to landscaped areas or the ground is not feasible.*

***458.9 Marking of stormdrain inlets.****On-site stormdrain covers and inlets shall be permanently marked with the legend, "Do Not Dump — Drains to Bay," or equivalent, for projects located in watersheds that discharge to San Francisco Bay.*

***458.10 Site Design.****At least one of the following site design measures shall be incorporated in regulated projects and in all other development projects that create or replace 2,500 sq. ft. or more of impervious surface, including detached single-family home projects:*

*1. Direct roof runoff into cisterns or rain barrels for reuse.*

*2. Direct roof runoff onto vegetated areas.*

*3. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.*

*4. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.*

*5. Construct sidewalks, walkways, and/or patios with permeable surfaces.*

*6. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.*

***458.11 Inspections of construction sites.****The following construction sites shall be subject to periodic inspection by the County in order to verify the prevention of the discharge of construction materials and debris into a stormwater collection system or a watercourse:*

*1. All construction sites disturbing one acre or more of land.*

*2. All construction sites on property with slopes equal to or greater than 15% where the area of disturbance is equal to or greater than 5,000 square feet.*

*3. Any construction site designated by the County as "High Priority" in accordance with Provision C.6.e.ii.(2)(c) of Order R2-2022-0018 of the California Regional Water Quality Control Board, San Francisco Bay Region, or the latest adopted orders or provisions.*

*4. Other construction sites, as designated by the building official.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.190 CBC Ch. 4, Special Detailed Requirements Based on Use and Occupancy {See CBC} Section 470 Construction And Demolition Debris Management [BID]. {Added}

***470.1 Definitions.***

***APPROVED FACILITIES FOR DIVERSION.****A published list by the Alameda County Waste Management Authority or equivalent.*

***DESIGNATED PROJECT RELATED CONSTRUCTION AND DEMOLITION WASTE.****Includes:*

*a. Inert solids;*

*b. Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted;*

*c. Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;*

*d. Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;*

*e. Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material;*

*f. Salvageable materials and structures, including, but not limited to doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances; and*

*g. Any other materials that the Building Official determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the County.*

***INERT SOLIDS.****Includes asphalt, concrete, rock, stone, brick, sand, soil and fines.*

***SALVAGE.****The controlled removal of materials from a project covered by this Section 470 for the purpose of reuse or storage for later reuse.*

***STRUCTURE.****Any structure that is built or constructed, an edifice or building of any kind or piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.*

***WORK AREA.****Work area is a construction area that is measured in square feet either on a horizontal or vertical plane.*

***470.2 Applicability.****Applications for building permits, and the construction performed under those permits, are required to conform to the provisions of this Section and with the applicable mandatory standards of the 2022 California Green Building Standards Code. In the event of conflict, the most stringent requirement shall pertain.*

***470.3 Construction and Demolition Projects covered by this Section 470.****The following project categories are covered by and must comply with the chapter:*

*a. Any project requiring a demolition permit;*

*b. All residential construction including new construction, additions, alterations or repairs where the area of work exceeds 1,000 square feet.*

*c. All non-residential construction including, new construction, additions, alterations or repairs where the area of work exceeds 3,000 square feet.*

***470.4 Construction and Demolition Debris Management Requirements.****The minimum requirements for diversion or salvage of waste generated by a covered construction and demolition project are:*

*a. Seventy-five (75%) percent of inert solids and,*

*b. Sixty-five (65%) percent of all remaining designated project related construction and demolition waste and,*

*c. Non-residential projects shall comply with Section 5.408.3, Excavated soil and land clearing debris, of chapter 5, Nonresidential Mandatory Measures, of the California Green Building Standards Code, part 11 of Title 24 of the California Code of Regulations.*

*d. Submission of a Debris Management Plan as specified in Section 470.6 prior to issuance of a demolition or building permit.*

*e. Any project subject to other construction and demolition requirements of the AC General Ordinance Code shall obtain the requisite permit, approval, or release from the enforcing agency prior to the start of the project.*

*f. The building official may waive any or all requirements of this Section 470 where an immediate or emergency demolition is required to protect the public health, safety, or welfare.*

***470.5 Deconstruction and Salvage Recovery.****It is encouraged to make every structure planned for demolition available for deconstruction, salvage and recovery prior to demolition. Recovered and salvaged materials from the deconstruction phase of a project can be counted towards the diversion requirements of this chapter.*

***470.6 Debris Management Plan.****Prior to issuance of a demolition or building permit for any project covered by this Section 470, the applicant shall submit a debris management plan to the building official for review and approval. The Debris Management Plan must include the following:*

*a. The estimated total volume or weight of construction and demolition waste generated by the project. In estimating the weight of materials identified in the debris management plan, the applicant shall use the conversion rates approved by the building official for this purpose.*

*b. The means that the applicant proposes to use to divert construction and demolition waste. In describing the means of diversion of construction and demolition waste other than salvage, the applicant shall state the approved facility that will be used, by material type. The building official shall approve a facility for diversion that meets the requirements of this chapter. In describing the means of diversion of construction and demolition waste proposed for salvage, the applicant shall state the quantity and means of reuse.*

***470.7 Waivers / Amendments.***

***a. Waivers. In the event that diversion or salvage of all or some materials is impossible or impracticable, the applicant shall submit written justification with the debris management plan stating the reasons diversion or salvage should not be required. The building official shall have the authority to waive any provision of this Section, unless it is otherwise required in the Green Buildings Standards Code.***

***b. Amendments. If the applicant wishes to change the approved debris management plan due to inaccuracy of the original estimate, the applicant shall submit amendments to the debris management plan for written approval by the building official.***

*In the event that a project has reached to a point that full compliance with this section is unachievable prior to final building inspection, the applicant shall submit evidence to the building official showing that a good faith effort is being made. The building official shall determine the maximum feasible diversion rate for the project with an amended management plan. An additional building permit fee will be assessed based on the difference between the actual diversion rate and full compliance to recover the cost of enforcement.*

***470.8 Debris Management Plan Reviews.***

*a. The building official shall determine, in writing, whether a requested waiver of a diversion or salvage requirement in this section shall be granted in whole or in part on grounds of impracticability or impossibility.*

*b. The building official shall approve a debris management plan or an amendment to a debris management plan if it meets the requirements of this chapter.*

*c. Notwithstanding any other provision of this code, no permit shall be issued for any covered construction and demolition waste project unless the building official has approved the debris management plan.*

*d. If the building official declines to approve the debris management plan, he or she shall inform the applicant in writing the basis of the denial.*

***470.9 Administration Fee.****As a condition precedent to the issuance of any building or demolition permit for a project covered by this Section 470, the applicant shall pay to the County a fee of one-half hour staff time on each project to compensate the County for all expenses incurred in administering this Section 470.*

***470.10 Reporting.****The building official may inspect and monitor all projects covered by this Section 470 to determine compliance with the diversion and salvage provisions of this chapter. The following documentation must be provided at the completion of a demolition project or construction project, or prior to the permit final:*

*a. The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The contractor's approved "Debris Management Plan" shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The contractor shall sign the completed "Debris Management Plan" form to certify its accuracy as part of the documentation of compliance.*

*b. Progress reports during construction shall be submitted as required by the building official.*

*c. All documentation submitted pursuant to this section is subject to verification by the County.*

*d. It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.*

***470.11 Construction and Demolition Debris Management Implementation and Enforcement.****The Alameda County Construction and Demolition Debris Management requirements in this section will be implemented and enforced by the Building Inspection Department of the Alameda County Public Works Agency. Violation of any provision of this Section 470 may be enforced in accordance with the provisions of Section 15.08.130 of this chapter.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.195 CBC Ch. 4, Special Detailed Requirements Based on Use and Occupancy {See CBC} Section 480, Small Residential Rooftop Solar Energy Systems [BID]. {Added}>

***480.1 Purpose.****The purpose of the County's small residential rooftop solar energy system permitting process is to achieve timely and cost-effective installations of small residential rooftop solar energy systems, in compliance with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014), while protecting public health and safety. This ordinance shall apply to the permitting of all small residential rooftop solar energy systems in the unincorporated area of the County.*

***480.2 Definitions.****Unless the particular provision or the context otherwise requires, the following definitions shall govern the interpretation and application of this section:*

***ELECTRONIC SUBMITTAL.****Electronic submittal means the utilization of one or more of the following:*

*1. Email.*

*2. The Internet.*

*3. Facsimile.*

***SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM.****Small residential rooftop solar energy system means all of the following:*

*1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;*

*2. A solar energy system that conforms to (1) all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County; (2) subdivision (c) of Section 714 of the Civil Code; and (3) all state, County, and federal health and safety standards;*

*3. A solar energy system that is installed on a single or duplex family dwelling; and*

*4. A solar panel or module array that does not exceed the maximum legal building height of the zoning district in which it is located.*

***SOLAR ENERGY SYSTEM.****Solar energy system has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.*

***SPECIFIC, ADVERSE IMPACT.****Specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

***480.3 Administrative Review.****An application for a permit to install a small residential rooftop solar energy system shall be processed in accordance with Government Code Section 65850.5. The building official shall implement the expedited, streamlined permitting process adopted herein for the administrative, nondiscretionary review of small residential rooftop solar energy systems.*

***480.3.1 Checklist.****The building official shall adopt a checklist that sets forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.*

***480.3.2 Substantial Conformity with Guidebook.****The expedited, streamlined permitting process shall substantially conform to the recommendations for expedited permitting — including any checklists and standard plans — contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.*

***480.3.3 Electronic Access.****The checklist and any required permitting documentation shall be published on the County's website. An applicant may submit a permit application and associated documentation over-the-counter, by mail, or through electronic submittal, using the electronic submittal method(s) specified on the County website. A wet signature shall not be required for small residential rooftop solar energy system permit documentation that is provided through electronic submittal.*

***480.3.4 Complete Application.****An application that satisfies the information requirements in the checklist shall be deemed complete.*

***480.3.5 Incomplete Application.****Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and identifying any additional information required for the application to be eligible for expedited permit issuance.*

***480.3.6 Approval.****Upon confirmation that the application is complete, the building official shall review the application to ensure the small residential rooftop solar energy system meets local, state, and federal health and safety requirements. Absent any specific, adverse impact findings, the building official shall administratively approve the application and issue all required permits or authorizations. The building official's approval of the application does not authorize an applicant to connect a small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant may need to contact the local utility provider for approval prior to activating the system.*

***480.3.7 No Requirement for Association Approval.****Approval of an application shall not be based on or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.*

***480.4 Inspection.****For a small residential rooftop solar energy system eligible for expedited review, only one consolidated inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, and the subsequent inspection need not conform to the requirements of this section.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.200 CBC Ch. 4, Special Detailed Requirements Based on Use and Occupancy {See CBC} Section 490, Electric Vehicle Charging Stations and Hydrogen Fueling Stations [BID]. {Added}

***490.1 Purpose.****The purpose of the County's electric vehicle charging station and hydrogen fueling station permitting process is to achieve timely and cost-effective installations of electric vehicle charging stations and hydrogen fueling stations, in compliance with state law, while protecting public health and safety. This Section shall apply to the permitting of all electric vehicle charging stations and hydrogen fueling stations in the unincorporated area of the County.*

***490.2 Definitions.****Unless the particular provision or the context otherwise requires, the following definitions shall govern the interpretation and application of this section:*

***ELECTRONIC SUBMITTAL.****Electronic submittal means the utilization of one or more of the following:*

*1. Email.*

*2. The Internet.*

*3. Facsimile.*

***ELECTRIC VEHICLE CHARGING STATION.****Electric vehicle charging station means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.*

***HYDROGEN-FUELING STATION.****Hydrogen-fueling station means the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public and that meets the criteria of Government Code Section 65850.7, subd. (b)(2).*

***SPECIFIC, ADVERSE IMPACT.****Specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

***490.3 Administrative Review.****An application for a permit to install an electric vehicle charging station or hydrogen fueling station shall be processed in accordance with Government Code Section 65850.7.*

***490.4 Streamlined Permitting.****For electric vehicle charging stations, the building official shall implement the expedited, streamlined permitting process adopted herein for the administrative, nondiscretionary review of electric vehicle charging station permit applications.*

***490.4.1 Checklist.****The building official, upon review and consideration of the recommendations in the most current version of the Office of Planning and Research's "Zero-Emission Vehicles in California: Community Readiness Guidebook" and in conformity with all applicable safety and performance standards, shall adopt and update a checklist that sets forth all requirements with which an electric vehicle charging station must comply in order to be eligible for expedited review.*

***490.4.2 Electronic Access.****The checklist and any required permitting documentation for electric vehicle charging stations shall be published on the County's website. An electric vehicle charging station applicant may submit a permit application and associated documentation over-the-counter, by mail, or through electronic submittal, using the electronic submittal method(s) specified on the County website. A wet signature shall not be required for electric vehicle charging station permit documentation that is provided through electronic submittal.*

***490.4.3 Complete Application.****An electric vehicle charging station application that satisfies the information requirements in the checklist shall be deemed complete.*

***490.4.4 Incomplete Application.****Upon receipt of an incomplete application for an electric vehicle charging station, the building official shall issue a written correction notice detailing all deficiencies in the application and identifying any additional information required for the application to be eligible for expedited permit issuance.*

***490.5 Specific Adverse Impacts.****If the building official or the planning director makes a finding, based on substantial evidence, that an electric vehicle charging station or hydrogen fueling station could have a specific, adverse impact upon the public health or safety, the building official or planning director may require the applicant to apply for a use permit and impose conditions designed to mitigate the specific, adverse impact. If the building official or planning director makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact for which there is no feasible method for satisfactory mitigation or avoidance, the permit application may be denied.*

***490.6 Approval.****Upon confirmation that the application is complete, the building official shall review the application to ensure the electric vehicle charging station or hydrogen fueling station meets local, state, and federal health and safety requirements. Absent any specific, adverse impact findings, the building official shall administratively approve the application and issue the permit.*

***490.7 No Requirement for Association Approval.****Approval of an electric vehicle charging station permit application shall not be based on or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.210 CBC Ch. 9, Fire Protection and Life Safety Systems, Section 901, General.

**901.1 Scope*[FIRE].****{See CBC, and the following sentence is added} Fire protection systems shall also comply with Special Fire District Code.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.220 CBC Ch. 15, Roof Assemblies And Rooftop Structures, Section 1505, Fire Classification.

**1505.1 General*[FIRE].****{See CBC, and the following sentence is added} Comply with Special Fire District Code for the roof covering classification requirements for the area designated by the fire chief as fire hazard zones.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.230 CBC Ch. 16, Structural Design, Section 1612, Flood Loads.

**1612.1 General*[Flood].****{See CBC, and the following sentence is added} Flood-resistant design shall also comply with AC Section 15.08.300 and AC Chapter 15.40.*

**1612.2***{See CBC}*

**1612.3 Establishment of flood hazard areas*[Flood].****To establish flood hazard areas, the County shall adopt by AC Chapter 15.40, a flood hazard map and supporting data. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.*

**1612.3.1*through*1612.4***{See CBC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.240 CBC Ch. 18, Soils and foundations, Section 1803, Geotechnical Investigations.

**1803.6 Reporting.*[BID]****{See CBC, and the following subsections are added}*

***1803.6.1 Prior reports.****The building official shall have the authority to require that all prior soil and/or geologic reports prepared for a building site, whether prepared for the currently proposed project or not, be submitted to him/her for review, as a record of the conditions observed on the property at various times.*

***1803.6.2 Final reports.****Upon completion of rough grading work at the building site and prior to the approval of the foundation for any proposed building or structure, the following shall be provided to the building official:*

*1. When required by the building official, an as-built grading plan, prepared by a registered civil engineer, including but not limited to original ground surface elevations, as-graded ground surface elevations, surface drainage conditions, and the location and the description of all surface and subsurface drainage facilities.*

*2. A complete record of all in-progress geotechnical tests performed by the responsible geotechnical or soils engineer, geologist, or engineering geologist, including but not limited to the location and elevation of all field density tests and a summary of all field and laboratory tests.*

*3. A letter of finding by the responsible geotechnical or soils engineer, geologist, or engineering geologist as to the adequacy of site preparation for the designed foundation system.*

*4. A letter of declaration by the responsible geotechnical or soils engineer, geologist, or engineering geologist in the form required by the building official, that all geotechnical and rough grading work was done in accordance with the recommendations contained in the soil and/or geologic investigation report, as approved by the building official, and in conformance to the approved plans and specifications.*

*Where the actual soil or geologic conditions encountered in the grading operations are different from those anticipated in the soil and/or geologic investigation report or where such actual conditions warrant changes to the recommendations contained in the said report, a revised soil and/or geologic report shall be submitted to the building official for approval. Any such revised report must be accompanied by an updated engineering and geologic opinion as to the safety of the site from the hazards of land slippage, erosions, settlement, earthquake fault, or seismic activity.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.250 CBC Ch. 18, Soils and Foundations, Section 1807, Foundation Walls, Retaining Walls and Embedded Posts and Poles.

**1807.2 Retaining walls*[BID].****{See CBC, and the following subsections are added}*

***1807.2.6 Tire Retaining Walls.****Retaining walls constructed of tires shall not be allowed.*

***1807.2.7 Wood Retaining Walls****Wood shall not be used for the construction of retaining walls at a property line or within a distance from the property line equal to the exposed height of the front of the wall.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.260 CBC Ch. 21, Masonry, Section 2111, Masonry Fireplaces.

**2111.1 General*[BID].*** The construction of masonry fireplaces, consisting of concrete or masonry, shall be accordance with this section. *When used as a wood-burning appliance, a masonry fireplace shall comply with AC Section 15.16.040 of this title.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.270 CBC Ch. 32, Encroachments Into the Public Right-of-Way, Section 3201, General.

**3201.3 Other laws*[BID].****{See CBC, and the following sentence is added} Approval from other state, county, or city agencies having jurisdiction shall be required when structures encroach into the public right-of-way, whether above or below grade or at-grade.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.280 CBC Ch. 33, Safeguards During Construction, Section 3301, General.

**3301.1 Scope*[BID].****{See CBC, and the following sentence is added} Compliance with laws and ordinances regulated by County agencies having jurisdiction shall be required. Any installations of pedestrian protection measures or protective devices and any storage of materials or equipment within a County roadway must be authorized by the director of public works.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.300 CBC Appendix G, Flood-Resistant Construction.

**G101.1 through G101.4***{See CBC, Appendix G}*

**G101.5*[Flood].*** The *County's Director of Public Works, or designee,* is designated as the floodplain administrator and is authorized and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the *County.* Such designation shall not alter any duties and powers of the building official.

**G102.1 through G103.1***{See CBC, Appendix G}*

**G103.2 Establishment of flood hazard areas*[Flood].****Flood hazard areas are established in AC Chapter 15.40 in accordance with Section 1612.3.*

**G104.1 Permit applications*[Flood].*** All applications for permits shall comply with the following:

 1. The floodplain administrator, *in consultation with the building official,* shall review all *building* permit applications to determine whether proposed development is located in flood hazard areas established in Section G103.2.

 2. Where a proposed development site is in a flood hazard area, all development to which this appendix is applicable as specified in Section G103.1 shall be designed and constructed with methods, practices, and materials that minimize flood damage and that are in accordance with this code, ASCE 24 *and with a design guideline published by the floodplain administrator pursuant to AC Chapter 15.40.*

**G104.2 Other permits.***{See CBC, Appendix G}*

**G104.3 Determination of base and design flood elevations*[Flood].****If base flood elevations are not specified on the Flood Insurance Rate Map, the floodplain administrator is authorized to require the applicant to:*

*1. Obtain, review and reasonably utilize data available from a federal, state or other source; or*

*2. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a registered design professional. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the floodplain administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.*

*The determination of the design flood elevation shall be made by the floodplain administrator in accordance with a design guideline published by him/her for that purpose.*

**G104.4 Activities in riverine flood hazard areas*[Flood].****In riverine flood hazard areas where base flood elevations are specified but floodways have not been designated, the floodplain adminstrator shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant submits an engineering analysis prepared by a registered design professional, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the base flood elevation more than 1 foot (305 mm) at any point within the unincorporated County.*

**G104.5 Floodway encroachment*[Flood].*** Prior to issuing a permit for *any encroachment into a floodway or a floodway setback,* including fill, new construction, substantial improvements and other development or land-disturbing activity, the floodplain administrator shall require submission of a certification, prepared by a registered design professional, along with supporting technical data, demonstrating that such development will not cause any increase of the base flood level *at any point in the unincorporated County.*

**G104.5.1 Floodway revisions.***{see CBC, Appendix G}*

**G104.6 Watercourse alteration*[Flood].****Any proposed alteration of a waterway shall be subject to separate approval, as follows:*

*1. An alteration of a waterway that is not part of the right-of-way of the District or of the Zone 7 Water Agency shall be subject to approval by the director, in accordance with the provisions of AC Chapter 13.12 of Title 13 of the general ordinance code.*

*2. An alteration of a waterway that is part of the right-of-way of the District shall be subject to approval by the District, in accordance with the provisions of AC Chapter 6.36 of Title 6 of the general ordinance code.*

*3. An alteration of a waterway that is part of the right-of-way of the flood control system of the Zone 7 Water Agency shall be subject to approval by that agency.*

*Prior to issuing a permit authorizing development associated with alteration of a waterway, the flood plain administrator shall require the applicant to submit documented evidence of approval as described above, and shall require the applicant to provide notification of the proposal to all other agencies and jurisdictions having authority over the affected waterway. A copy of the notification shall be maintained in the permit records and submitted to FEMA.*

**G104.6.1 Engineering analysis*[Flood].****This subsection is deleted in its entirety.*

**G104.7 Alterations in coastal areas*[Flood].****This section is deleted in its entirety.*

**G104.8 through G105.1.***{See CBC, Appendix G}*

**G105.2 Application for permit*[Flood].*** The applicant shall file an application in writing on a form furnished by the floodplain administrator. Such application shall:

 1. Identify and describe the development to be covered by the permit.

 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.

*3.* Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, base flood elevations, ground elevations *as determined by survey,* proposed fill and excavation, drainage patterns and facilities, *and any existing or proposed obstructions.*

*4.* Include *base flood elevation data in accordance with Section 1612.3.1 as directed by the floodplain administrator, if such data are not identified for the flood hazard areas established in Section G102.2.*

*5.* Indicate the use and occupancy for which the proposed development is intended.

 6. Be accompanied by construction documents, grading and filling plans and other information deemed appropriate by the floodplain administrator.

 7. State the valuation of the proposed work.

 8. Be signed by the applicant or the applicant's authorized agent.

**G105.3 through G107.2.***{See CBC, Appendix G}*

**G108.1 Development in floodways and floodway setbacks*[Flood].****Development or land disturbing activity shall not be authorized in a designated floodway or a floodway setback unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, and prepared by a registered design professional and approved by the floodplain administrator, that the proposed encroachment will not result in any increase in the base flood level.*

**G108.2 through G109.5.***{See CBC, Appendix G}*

**G110.1 Placement prohibited*[Flood].****The placement of recreational vehicles shall not be authorized in floodways or floodway setbacks.*

**G110.2 through SECTION G115.***{See CBC, Appendix G}*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE III. CALIFORNIA RESIDENTIAL CODE,AMENDED SECTIONS TO 2022 CALIFORNIA RESIDENTIAL CODE (CA TITLE 24, PART 2.5)>

15.08.310 CRC Preface.

*{See CRC and AC Section 15.08.011 of this title}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.320 CRC Ch. 1, Scope and Application, Division I, California Administration.

*{See CRC and AC Section 15.08.020 when applicable}*

15.08.330 CRC Ch. 1, Division II, Administration, Section R101, General.

**R101.1 Title*[BID].*** These provisions shall be known as the Residential Code for One- and Two-family Dwellings of *the County of Alameda* and shall be cited as such and will be referred to herein as "this code."

**R101.2*through*R102.4***{See CRC}*

**R102.5 Appendices*[BID].*** Provisions in the appendices shall not apply unless specifically adopted. *The following CRC appendix chapters are adopted and amended, as noted, by the County:*

*1. Appendix AH, Patio Covers — Adopted.*

*2. Appendix AX, Swimming Pool Safety Act — Adopted.*

*3. Appendix AQ, Tiny Houses — Adopted and amended in Section 15.08.385.*

*3. Appendix AZ, Emergency Housing — Adopted.*

**R102.6 Partial invalidity.***{See CRC}*

**R102.7 Existing structures*[BID][CDA].*** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, *AC chapter 15.24 of this title,* or the *California Fire Code,* or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**R102.7.1 Additions, alterations or repairs.** Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. Additions, alterations, repairs and relocations shall not cause an existing structure to become unsafe, *as defined in AC Section 15.08.150,* or adversely affect the performance of the building. Where the alteration causes the use or occupancy to be changed to one not within the scope of this code, the provisions of the California Existing Building Code shall apply.

**R103 through R114.***{See CRC and AC Sections 15.08.040 through 15.08.150 when applicable}.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.340 CRC Ch. 2, Definitions.

*{See CBC, CRC and AC Sections 15.08.160 and 15.08.170 when applicable}*

15.08.350 CRC Ch. 3, Building Planning.

**R300.1*through*R301.1.3.3***{See CRC}*

**R301.2 Climatic and geographic design criteria*[Flood].****{See CRC and amend footnote g. of Table R301.2(1), Climatic and Geographic Design Criteria, to read as follows. The County shall, by AC Chapter 15.40, specify (a) the date of the County's entry into the National Flood Insurance Program, (b) the date of the Flood Insurance Study, and (c) the date of the currently effective FIRM.}*

**R301.2.1*through*R321.3***{See CRC}*

**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in *this AC Section 15.08.350,* and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section *and in AC Section 15.08.300.* Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways *andfloodway setbacks* shall be designed and constructed in accordance with *AC Section 15.08.300.*

**R322.1.1*through*R322.1.3***{See CRC}*

**R322.1.4 Establishing the design flood elevation*[Flood].*** The design flood elevation shall be *defined and established in accordance with AC Sections 15.08.170 and 15.08.300.*

**R322.1.5*through*R322.3.10***{See CRC}*

**R323*through*R340***{See CRC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.360 CRC Ch. 4, Foundations.

*{See CRC and AC Sections 15.08.240 and 15.08.250 when applicable}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.370 CRC Ch. 9, Roof Assemblies.

*{See CRC and AC Section 15.08.220 when applicable}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.380 CRC Ch. 10, Chimneys and Fireplaces.

*{See CRC and AC Section 15.08.260 when applicable}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.385 CRC Appendix AQ, Tiny Houses, Section AQ102, Definitions.

*{See CRC Appendix AQ and the following definition is modified}*

**TINY HOUSE*[BID].*** A dwelling that is *no more than* 400 square feet (37 m2 ) in floor area excluding lofts, *but with a minimum floor area established by the planning director on a case-by-case basis.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE IV. CALIFORNIA GREEN BUILDING STANDARDS CODE CALGreen, AMENDED SECTION TO 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE CALGreen (CA TITLE 24, PART 11)

15.08.390 CALGreen Ch. 2, Definitions, Section 202, Definitions.

***[ClnWater]***

*{See CBC, and the meaning of the following words and terms are modified}*

**BIORETENTION.** A shallow *basin or planter box, designed and constructed in accordance with the provisions of Chapter 13.08 of Title 13 of this code,* that utilizes conditioned soil, *vegetation, and subgrade rock* for the storage *and treatment of stormwater runoff.*

**ENFORCING AGENCY.***The Building Inspection Department of the Public Works Agency of the County, except for Sections 4.106.2 and 4.106.3 of Chapter 4 and Sections 5.106.1, 5.106.2, and 5.106.10 of Chapter 5, which shall be enforced by the Land Development Section of the Construction & Development Services Department of the County Public Works Agency.*

**INFILTRATION.***Depending upon usage,*

*1.* An uncontrolled inward air leakage from outside a building or unconditioned space, including leakage through cracks and interstices, around windows and doors and through any other exterior or demising partition or pipe or duct penetration; *or*

*2. Storage and treatment of stormwater runoff in a subsurface area of the site by means of a French drain or similar device designed and constructed in accordance with the provisions of Chapter 13.08 of Title 13 of the General Ordinance Code of the County.*

**LOW IMPACT DEVELOPMENT (LID).** Control *and protection* of stormwater at its source to mimic *the drainage of an undeveloped site, in accordance with the provisions of Section 15.08.180 of this chapter and of Chapter 13.08 of Title 13 of this code.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE V. CALIFORNIA EXISTING BUILDING CODE, AMENDED SECTIONS TO 2022 CALIFORNIA EXISTING BUILDING CODE (CA TITLE 24, PART 10)

15.08.400 CEBC Preface.

*{See CEBC and AC Section 15.08.011 of this title}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.410 CEBC Ch. 1, Scope and Administration, Division I, California Administration, Section 1.1, General.

**1.1.1 Title*[BID].*** These regulations, *consisting of the California Existing Building Code as adopted and amended by the County,* shall be known as the *Existing Building Code* of the *County of Alameda,* and shall be cited as such and will be referred to herein as "this code."

**1.1.2*through*1.1.14***{See CEBC and AC Section 15.08.020 when applicable}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.420 CEBC Ch. 1, Division II, Scope and Administration.

**101.1 Title*[BID].*** These regulations, *consisting of the* California Existing Building Code *as adopted and amended by the County,* shall be known as the *Existing Building Code* of the *County of Alameda,* and shall be cited as such and will be referred to herein as "this code."

**101.2 through 101.5***{See CEBC}*

**101.6 Appendices.***{See CEBC, and add the following paragraph:}*

*The following CEBC appendix chapters are adopted by the County as noted:*

*1. Appendix A Chapter A1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings — Adopted.*

*2. Appendix A Chapter A3, Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings* — *Adopted as Design Reference.*

*3. Appendix A Chapter A4, Earthquake Risk Reduction In Wood-Frame Residential Buildings With Soft, Weak or Open Front Walls — Adopted as Design Reference.*

**101.7***{See CEBC}*

**101.8 Maintenance*[BID][CDA].*** Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition, *and shall not be substandard as described in Section 101.8.1.* Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be re-inspected *in accordance with Section 101.8.2.* The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

***101.8.1 Substandard buildings [BID].****Any building or structure, or portion thereof, that is determined to be an unsafe structure or equipment in accordance with AC Section 15.08.150 or AC Ch. 15.24 of this title, or any building or structure, or portion thereof, including any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exists a condition that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.*

***101.8.2 Inspection [BID].****Inspections of existing buildings, structures, and premises for the purpose of verifying compliance with this section shall be performed in accordance with this code and the AC General Ordinance Code.*

***101.8.3 Abatement of substandard buildings, structures, and premises [BID].****Buildings or structures, or portions thereof, or premises that are determined to be substandard as described in this section are hereby declared to public nuisances, and shall be abated by repair, rehabilitation, demolition, or removal in accordance with this code, AC chapters 15.24 of this title, and the AC General Ordinance Code.*

**102.1*through*104.2***{See CEBC}*

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas*[Flood].*** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 of the *California Building Code, AC Section 15.08.300, and AC Chapter 15.40 of this title.*

**104.2.2.1 through 105.1.2.***{See CEBC and AC Sections 15.08.040 through 15.08.150 when applicable}*

**105.2 Work exempt from permit*[Flood].****{See CEBC, and revise the first paragraph to read as follows} For existing buildings and structures that are located in a flood hazard area, this provision shall not apply; see AC Section 15.08.300.* Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of *the County. For existing buildings and structures that are not located in a flood hazard area as established in Section 1612.3, permits* shall not be required for the following:

**105.3*through*106.2.5.***{See CEBC and AC Sections 15.08.040 through 15.08.150 when applicable}*

**106.2.6 Site plan*[Flood][Cln Water].*** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures *and features* on the site, distances from lot lines, the established street grades, *any flood hazard areas and associated base flood elevations,* and the proposed finish grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration, repair or change of occupancy, *provided that the site is not located within a flood hazard area as established in Section 1612.3 of the California Building Code and the proposed alteration adds to or alters less than 2500 sq. ft. of existing impervious surface.*

**106.3*through*117.4.***{See CEBC and AC Sections 15.08.040 through 15.08.150 when applicable}*

15.08.430 CEBC Ch. 2, Definitions, Section 202, General Definitions.

*{See CEBC, and the following terms and their meanings are added and modified}*

ALTERATION ***[BID][Cln Water].*** Any construction or renovation to an existing structure or to the existing impervious surface of the premises other than a repair or addition. *Any construction or renovation that removes or replaces 50 percent or more of the linear length of the walls of the structure (exterior plus interior) and 50 percent or greater of the roof of the structure within a one-year period shall be considered as new construction and shall not be considered an alteration. For the purpose of determining compliance with the stormwater discharge regulations of AC Ch.13.08 of title 13 of the general ordinance code, any construction or renovation that affects 50 percent or more of the existing impervious surface of the premises shall require that all of the existing impervious surfaces (remaining and replaced) be subject to the regulations of that chapter.*

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure. *Any addition that adds more than 100 percent of the floor area of the existing building shall be considered as new construction, subject to the regulations of AC Ch. 15.08.*

*ALTERATION WITH ADDITION. When construction or renovation and/or additions result in the removal, alteration, modification, replacement or addition of fifty percent or more of the external walls of and/or fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a three (3) year period after date of permit final, the entire building shall be considered new construction. Construction or renovation of the walls includes but is not limited to removal of the sheetrock and/or cladding of that wall, remove or replacement of framing, sistering up of the framing, etc.*

CODE OFFICIAL ***[BID][CDA].****The building official, or other authority designated by him/her, including but not limited to, the planning director, the director of public works, the director of environmental health, the County health officer, or the chief of a fire district,* charged with the administration and enforcement of this code.

***IMPERVIOUS SURFACE [Cln Water]. A covering of the ground surface where that covering precludes the natural ability of the affected surface and subsurface to absorb and infiltrate rainfall and stormwater run-on and runoff.***

SUBSTANDARD BUILDING ***[BID][CDA] [HLTH].*** See Health and Safety Code Section 17920.3 *and Section 101.8.1 and Section 15.24 of this code.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.08.440 CEBC Ch. 14, Relocated or Moved Buildings, Section 1402.2, Foundation.

**1402.2 Foundation*[CDA].*** The foundation system of relocated buildings shall comply with *AC chapter 15.08. Unless otherwise approved by the building official, all buildings or structures moved into or within the County shall be placed upon an approved foundation within 120 days after delivery to the new site. If, after 120 days, the building or structure has not been so placed, it may be regarded as a public nuisance and abated as such in accordance with the provisions of this code and any other applicable law.*

(Ord. No. 2022-58, § 6, 12-6-22)

## Chapter 15.12 ELECTRICAL CODE[[2]](#footnote-2)

### ARTICLE I. INCORPORATION BY REFERENCE

15.12.010 Code adoption and title.

*The County of Alameda adopts the 2022 California Electrical Code (CA Title 24, Part 3) as compiled and published by the International Code Council, modified by the California Building Standards Commission, and modified by the additions, deletions, and amendments set forth in this Chapter. The 2022 California Electrical Code (CA Title 24, Part 3) is incorporated by reference into this Chapter, which shall be known as the Electrical Code of the County of Alameda.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE II. CALIFORNIA ELECTRICAL CODE, AMENDED SECTIONS TO 2022 CALIFORNIA ELECTRICAL CODE (CA TITLE 24, PART 3)

15.12.011 CEC Preface.

*{See CEC and AC Section 15.08.011 of this title}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.12.020 CEC California Article 89, General Code Provisions, Section 89.101, General.

**89.101.1*through*89.101.6***{See CEC}*

**89.101.7 Order of precedence and use.**

**89.101.7.1 Differences.***{See CEC}*

**89.101.7.2 Specific Provisions.***{See CEC}*

**89.101.7.3 Conflicts*[BID].****{See CEC, and the following sentence is added. When the requirements within the jurisdiction of this code conflict with the requirements of AC Chapters 15.08, 15.16, 15.20, and/or 15.24, a decision of the building official shall be required for resolution.}*

**89.101.8 County Amendments, Additions or Deletions*[BID].****The County has exercised its authority* to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 89.101.8.1. *{Delete remaining sentences in this paragraph.}*

*The modifications* comply with Health and Safety Code Section 18941.5 for Building Standards Law *and* Health and Safety Code Section 17958 for State Housing Law *{Delete remainder of this sentence}*

**89.101.8.1 Findings and Filings.***{See CEC}*

**89.101.8.2 Locally Adopted Energy Standards — California Energy Code, Part 6.***{See CEC}*

**89.101.9 Effective date of this code.***{See AC Section 15.08.020}*

**89.101.10 through 89.101.12***{See CEC}*

**89.102 through 89.111***{See CEC}.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.12.030 CEC Article 90, NFPA, National Electrical Code, 2020 Edition, Introduction.

*{See CEC and AC Sections 15.08.020 through 15.08.150 for administrative provisions when applicable.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.12.040 CEC Article 230, Services, Section 230.72, Grouping of Disconnects [BID].

*{See CEC, and the following subsection is added}*

***230.72 (D)*Secondary Units***In secondary units established pursuant to section 65852.2 of the State Government Code, each occupancy shall be provided with independent disconnecting means.*

(Ord. No. 2022-58, § 6, 12-6-22)

## Chapter 15.16 MECHANICAL CODE[[3]](#footnote-3)

### ARTICLE I. INCORPORATION BY REFERENCE

15.16.010 Code adoption and title.

*The County of Alameda adopts the 2022 California Mechanical Code (CA Title 24, Part 4) as compiled and published by the International Code Council, modified by the California Building Standards Commission, and modified by the additions, deletions, and amendments set forth in this Chapter. The 2022 California Mechanical Code (CA Title 24, Part 4) is incorporated by reference into this Chapter, which shall be known as the Mechanical Code of the County of Alameda.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE II. CALIFORNIA MECHANICAL CODE, AMENDED SECTIONS TO 2022 CALIFORNIA MECHANICAL CODE (CA TITLE 24, PART 4)

15.16.011 CMC Preface.

*{See CMC and AC Section 15.08.011 of this title}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.16.020 CMC Ch. 1, Administration, Division I, California Administration.

**1.1.0*through*1.1.6.***{See CMC}*

**1.1.7 Order of Precedence and Use.**

**1.1.7.1*through*1.1.7.2***{See CMC}*

**1.1.7.3 Conflicts*[BID].****{See CMC, and add the following} When the requirements within the jurisdiction of this code conflict with the requirements of AC Chapters 15.08, 15.12, 15.20, and 15.24, a decision of the building official shall be required for resolution.*

**1.1.8*County amendments, additions or deletions [BID].****The County has exercised its authority* to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. *{Delete remaining sentences in this paragraph}*

*The County* modifications *comply* with Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law *{Delete remaining sentence}.*

**1.1.8.1 Findings and filings.***{See CMC}*

**1.1.9 Effective date of this code.***{See AC Section 15.08.020}*

**1.1.10*through*1.1.12***{See CMC}*

**1.2.0*through*1.14.0***{See CMC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.16.030 CMC Ch. 1, Division II, Administration.

**101.1 Title*[BID].****These regulations shall be known as the Mechanical Code of the County of Alameda, and will be referred to herein as "this code".*

**101.2*through*102.7.***{See CMC}*

**102.8 Appendices *[BID].****{See CMC and no appendix chapter is adopted}***103.0*through*103.4.***{See CMC and AC Sections 15.08.020 through 15.08.150 for administrative provisions when applicable}***104.1 Permits Required.***{See CMC and AC Section 15.08.060}***104.2 Exempt Work*[BID].****{See CMC and AC Section 15.08.060 when applicable and add the following}*

*(6) {Added} The replacement in dwelling units, when not part of a building remodel, of dishwashers, garbage disposals, ranges, ovens, cook tops, trash compactors, clothes washers, clothes dryers, and other similar equipment, provided that all of the following conditions are satisfied:*

*a) The replacement equipment is to be installed in the same location as the equipment being replaced.*

*b) The BTU input rating or the wattage of the replacement equipment is the same as or less than that of the equipment being replaced.*

*c) The electrical connection of the replacement equipment is to be to an existing circuit, installed under a previous electrical permit.*

*d) Any gas connection to the replacement equipment will not require the alteration of the gas line on the supply side of the shut-off valve.*

*e) Any water, waste, and/or vent connections to the replacement equipment will not require significant alterations to the building. All existing lines, pipes, and vents that are to be used in such connections were installed under previous plumbing or mechanical permits.*

**104.3*through*107.0.***{See CMC and AC Sections 15.08.020 through 15.08.150 when applicable}*

15.16.040 CMC Ch. 8, Chimneys and Vents, Section 801.1, Applicability.

**801.1 Applicability*[BID].****{See CMC, and the following subsection is added}*

***801.1.1 Wood-burning Appliances.****A wood-burning appliance installed in a building or structure shall be an approved wood-burning appliance as defined in this subsection.*

*An approved wood-burning appliance is one of the following:*

*1. Any wood heater that operates on wood pellets.*

*2. Any wood heater that meets the standards in Title 40, Part 60, Subpart AAA, Code of Federal Regulations as in effect at the time of heater installation and that is certified and labeled pursuant to those regulations.*

*3. A wood heater insert meeting the same standards as in 2. above.*

*4. A permanently-installed masonry or factory-built fireplace, as described in Section 2111 of the CBC, that is designed to be used with an air-to-fuel ratio greater than or equal to 35 to 1 and that has been certified by a testing laboratory, approved (certified) by the Environment Protection Agency (EPA), as emitting no more than 7.5 grams particulate per hour when tested using an EPA-approved protocol.*

***Exceptions:***

*1. Existing buildings undergoing remodel or renovation when the total cumulative costs of the planned work and of all improvements over the 5 years prior to the application date is estimated by the building official to be less than $50,000.00.*

*2. Existing wood-burning appliances being reconstructed, repaired, or modified when the cost of the said work is estimated by the building official to be less than $4,000.00.*

*3. Historical buildings or structures, as defined in CBC.*

*4. Gas-only fireplaces that do not burn wood are exempt from the provisions of this section. Gas fireplaces that are converted to burn wood are not exempt from the provisions of this section.*

(Ord. No. 2022-58, § 6, 12-6-22)

## Chapter 15.18 ONSITE WASTEWATER TREATMENT SYSTEMS[[4]](#footnote-4)

**Sections:**

15.18.010 Title.

This chapter (Chapter 15.18) shall be known as the Onsite Wastewater Treatment Systems Ordinance.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.020 Purpose.

The purpose of this chapter is to provide for the safe and sanitary treatment and disposal of wastewater from structures and buildings not served by public sewer systems as allowed by the California State Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (State Policy). The purpose is also to establish standards for the approval, installation, and operation of onsite wastewater treatment systems (OWTS) and onsite wastewater containment units (OWCU) within Alameda County, consistent with the State Policy and consistent with the appropriate California Regional Water Quality Control Board standards and basin plans. The standards are adopted to prevent the creation of health hazards and nuisance conditions and to protect surface and groundwater quality. The OWTS and OWCU that this chapter authorizes shall safely treat and dispose of wastewater in order to prevent environmental degradation including pollution of surface water and groundwater and to protect public health, safety and welfare to the greatest extent possible.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.030 Applicability.

A. This chapter shall apply to all territory within the County of Alameda, State of California to the extent permitted by applicable law.

B. If the amount of wastewater received by an OWTS is more than ten thousand (10,000) gallons per day, or where a community system serving multiple discharges under separate ownership is proposed, or where the wastewater includes industrial process waste, the method of treatment and dispersal must be submitted for review and approval by the San Francisco Bay Regional Water Quality Control Board (regional water board) or other appropriate Regional Water Quality Control Board.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.040 Administration.

A. Standards. Standards and guidelines, including policies, procedure and technical details, to implement this chapter, are contained in the Alameda County Onsite Wastewater Treatment Systems Manual (the manual). The local agency management program (the LAMP), describing the geographical terrain and environmental conditions of the county and the administration and management program for OWTS and OWCU oversight, this chapter and the manual (collectively the LAMP Documents) have been reviewed and approved by the regional water board in accordance with the State Policy.

B. Authority. The authority to administer and enforce this chapter shall be held by the Alameda County Department of Environmental Health (the department).

C. Application and Fees. Fees for permits and other services performed by the department pursuant to this chapter shall be established by resolution of the Board of Supervisors. The applicable fees shall be paid at the time of filing a permit application, renewal of a permit, and/or a request for service. All applications shall be submitted in writing to the department on a form supplied by the department.

D. Standards, Guidelines and Onsite Wastewater Treatment Systems Manual. The type and manner of design and construction of OWTS and OWCU shall conform to the standards as required by this chapter and the manual. Every OWTS and OWCU must also adhere to all other relevant federal, state and local jurisdiction requirements including, without limitation: Building code, mechanical code, electrical code, plumbing code, floodplain management, stormwater management and discharge control, watercourse protection and grading, erosion and sediment control.

E. Extraordinary Hazards. If a proposed or existing OWTS or OWCU presents unusual or significant hazards to surface waters, groundwater or human health, the department independently or with the regional water board may impose requirements that are necessary to address those hazards to protect public health, safety or welfare.

F. Conflicts. When the requirements of this chapter or the manual conflict with the requirements of any part of the California Building Standards Code, Title 24, state or federal requirements or any local ordinance the most restrictive requirements shall prevail.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.050 Definitions.

Terms used in this chapter shall have the same definition as in the State Policy. For purposes of this chapter, and other LAMP Documents, the following additional terms have the meanings given:

"Abandonment permit" is the administrative document issued by the department allowing abandonment of an existing OWTS or OWCU.

"Board" is the Alameda County Board of Supervisors.

"Department" is the Alameda County Department of Environmental Health.

"Director" is the director of the department of environmental health or his or her designated representative.

"Installation permit" is the administrative document issued by the Department that conveys approval of and conditions for the installation of an OWTS or OWCU or component thereof.

"LAMP Documents" are the local agency management program ("LAMP"), describing the geographical terrain, environmental conditions of the county and the administration and management program for OWTS oversight, this chapter and the Alameda County Onsite Wastewater Treatment Systems Manual ("the manual") which have been reviewed and approved by the regional water board in accordance with the State Policy.

"Onsite wastewater containment unit" ("OWCU") is a self-contained, non-discharging unit used to collect and store wastewater for removal, hauling and disposal at an approved septage receiving facility, and includes holding tanks, vault toilets, portable toilets and waterless toilets. The short form of the term may be singular or plural.

"Onsite wastewater treatment system" ("OWTS") is an individual or community collection and disposal system consisting of pipes, tanks dispersal systems and other components used for the collection, treatment and subsurface disposal of wastewater. The short form of the term may be singular or plural. For the purposes of this chapter, OWTS do not include "graywater" systems pursuant to Health and Safety Code Section 17922.12.

"Onsite Wastewater Treatment Systems Manual" ("manual") is the document developed, maintained, and amended by the Alameda County Department of Environmental Health containing policy, procedural and technical details for implementation of this chapter as approved by the San Francisco Regional Water Board.

"Operating permit" is the administrative document issued by the department authorizing the initial and/or continued use of an OWTS or OWCU in conformance with the provisions of this chapter and the manual and may contain both general and specific conditions of use.

"Premises" means a building and the area of land that it is on.

"Repair/modification permit" is the administrative document issued by the department allowing repairs or modifications to an existing OWTS or OWCU.

"Qualifying public agency" means a public agency with local, full-time sanitation and water quality staff who are trained and have the capability to operate and maintain OWTS and OWCU.

"Special permit" is the administrative document issued by the department for approval and conditions for use of portable toilets and waterless toilets.

"State Policy" means the Water Quality Control Plan for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems adopted by the State Water Resources Control Board on June 19, 2012, which became effective May 13, 2013.

"Wastewater" is water-carried waste that is intended to be removed and generally produced by fixtures such as toilets, sinks, showers or bathtubs, clothes washing machines, dish washing machines, floor drains or other fixtures or fittings intended to drain organic or inorganic waste material from residential and non-residential (including commercial and industrial) processes.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.060 Connection to public sewer.

A. Connection to Public Sewer Required. Every building or other structure having plumbing for wastewater drainage, or which creates, collects or stores wastewater must have a connection to a public sewer, except as provided in subsection B of this section.

B. Exceptions to Requirement to Connect to Public Sewer.

1. OWTS. Where there is not a public sewer available, wastewater drainage piping may be connected to a permitted OWTS. A public sewer is not available when the public sewer, or any building or exterior drainage facility connected to the public sewer, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. The requirement to connect to a public sewer does not apply to replacement OWTS where the connection fees and construction cost are greater than twice the total cost of the replacement OWTS and the owner submits documentation from a qualified professional that the discharge will not adversely affect groundwater or surface water. All OWTS must be designed, installed operated, used and maintained in compliance with this chapter and the manual.

2. OWCU.

a. Non-Discharging Toilet Units. Non-discharging toilet units including portable, vault and waterless toilets may be allowed in limited circumstances and must meet all applicable requirements in this chapter and the manual, including permitting requirements through an operating permit or special permit.

b. Holding Tanks. Holding tanks are prohibited except in very limited circumstances. The use of holding tanks must be approved by the department, comply with all requirements in the manual and is only allowed in the following instances:

i. To abate a nuisance or health hazard caused by a failing OWTS or installation of an OWTS, or connection to a public sewer is not feasible and a holding tank is appropriate for the location.

ii. For industrial, commercial, or recreational facilities where installation of an OWTS for wastewater is not feasible or allowed.

c. All OWCU must be designed, installed, operated, used and maintained in compliance with this chapter and the manual. The use of OWCU requires applying for and obtaining installation, operating, abandonment and special permits, or a qualifying public agency permit, from the department in accordance with the requirements in this chapter and the manual. Permits for holding tanks may also require evidence of financial responsibility and a posting of a bond.

C. Dangerous Conditions. Notwithstanding provisions above, the department may require that a building or premises be connected to an existing public sewer if the department determines that the existing plumbing, OWTS or OWCU is dangerous, unsanitary or a nuisance.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.070 Permits and reporting.

A. Installation Permit. In order to construct a new or replacement OWTS or OWCU the property owner or designee shall obtain an installation permit from the department. Unless otherwise expressly stated in writing on the permit, an installation permit shall automatically expire three years after the date of issuance. An installation permit may be extended, provided the permittee complies with all the requirements in effect at the time of the request for an extension, including payment of fees required to process the extension based on an actual hourly basis.

B. Repair/Modification Permit. In order to perform repairs or modifications to any existing OWTS or OWCU the property owner or designee shall obtain a repair/modification permit from the department. No permit is required by this chapter to perform minor repair work provided the work complies with the provisions of the manual. This provision shall not preclude the property owner from performing any temporary or other emergency repair work necessary to protect against an imminent threat to the owner's or the public's health or safety or environment, provided that the property owner immediately thereafter applies for any required permit. Unless otherwise expressly stated in writing on the repair/modification permit, it shall automatically expire one year after the date of issuance. A repair/modification permit may be extended, provided the permittee complies with all the requirements in effect at the time of the request for an extension, including payment of fees required to process the extension based on an actual hourly basis.

C. Abandonment Permit. In order to decommission an abandoned OWTS or OWCU the property owner or designee shall obtain an abandonment permit from the department.

D. Operating Permit. Depending on the size and complexity of the OWTS or OWCU, an annual operating permit may be required. The property owner is responsible for obtaining the operating permit from the department and complying with permit conditions and renewal requirements. The property owner of any lot or parcel with an operating permit must notify the department in writing of any change in property ownership. When the property changes ownership, the new owner must apply to the department for a new operating permit on or before the anniversary of the operating permit issuance date.

E. Special Permits. A special permit may be required for the use of portable toilets or waterless toilets. A special permit is not required for portable toilets on construction sites with a valid building permit.

F. Qualifying Public Agency Permits. In place of the permits listed above, a public agency with local full-time sanitation and water quality staff may obtain a qualifying public agency permit from the department. The qualifying public agency permit will cover the OWTS and OWCU identified in the permit and identify the installation, operating, repair, modification and abandonment requirements as applicable.

G. Application. All permit applications must include the information and document(s) set forth in the manual for the type of permit being requested and the appropriate fee.

H. Special Conditions. Any permit may be issued subject to such conditions as the department or the regional water board deems necessary to insure compliance with this chapter. Any changes after the issuance of a permit must first be approved by the department. Failure to obtain prior approval from the department may invalidate the permit.

I. Reporting.

1. OWTS and OWCU with Operating Permits. Any property owner with an OWTS or OWCU that requires an operating permit must report to the department in accordance with the permit conditions and as set forth in the manual.

2. OWTS without Operating Permits. To assist the county in complying with state reporting requirements, any property owner with an OWTS that does not require an operating permit may be required to provide information on its OWTS to the department and update that information at least once every five years as set forth in the manual.

3. OWCU with Special Permits. Any property owner with a portable toilet that requires a special permit must report to the department in accordance with the permit conditions.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.080 City and county land use and site development requirements.

A. Site Development/Building Permit. No city or county department shall issue a site development/building permit for any site that is not connected to a public sewer unless the Department has issued an approval and/or a permit for the OWTS as it will exist on completion of work under the development/building permit. Minor repairs or upgrades to a structure that do not increase the volume of wastewater and do not have the potential to impact the OWTS will be exempt from this section as set forth in the manual.

B. Certificate of Occupancy. No city or county department shall issue a certificate of occupancy for a structure where the means of wastewater disposal is an OWTS unless the department has issued a final OWTS installation approval letter and, if applicable, an operating permit.

C. Subdivision. For any subdivision of land proposed to be served by an OWTS: (1) the subdivider must demonstrate that the OWTS design and siting is consistent with this chapter and the manual, and (2) any parcel that will be served by an OWTS must be at least forty thousand (40,000) square feet if served by a public water supply or at least sixty thousand (60,000) square feet if served by an on-site private water supply, unless the property is located in an area where more restrictive requirements must be met. For any subdivision creating five or more parcels, the subdivision proposal must be provided to the respective regional water board for review.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.090 Safety.

A. Safe Operation. All OWTS, both existing and new, shall be maintained in safe and sanitary conditions at all times. Every owner, lessee, occupant and user of any property on which an OWTS exists shall be each jointly and severally responsible for the safe and sanitary construction, operation, use, repair or maintenance of such systems, and ensuring that the system complies with the requirements of this chapter and the manual.

B. Abandonment. Any OWTS or holding tank that is abandoned or has been discontinued from further use or to which no waste or waste discharge pipe from a plumbing fixture is connected, must be properly decommissioned. An abandonment permit must be obtained prior to decommissioning the OWTS or holding tank.

C. Cesspools and Seepage Pits Prohibited. Cesspools and seepage pits are declared to be a public nuisance and are not authorized for use in Alameda County. Upon discovery, cesspools and seepage pits shall be abated in accordance with the provisions of the Alameda County General Ordinances.

D. Prohibited Acts. It is unlawful for any person to do any of the following:

1. OWTS. Construct, alter, repair or replace an OWTS without first obtaining a permit from the department in accordance with the provisions of this chapter and the manual;

2. Use. Construct, use, or maintain any OWTS in a manner where wastewater, impure water or any other matter or substance will discharge upon the surface of the ground, become injurious or dangerous to health or will empty, flow, seep, or drain into or affect any river, stream, creek, spring, lake, pond, reservoir, marsh, water supply, water system, groundwater, culvert, or drainage.

E. Nuisance. Any OWTS constructed, operated or maintained in violation of this chapter is hereby declared to be a public nuisance and may be abated according to provisions of the law.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.100 Compliance.

A. Conformity. All work on OWTS shall be performed in accordance with the plans approved by the department, all permits and inspected in accordance with the manual. Any changes must be reviewed and approved by the department prior to performing the work.

B. Stop Work Order. In the event that the department determines there has been an improper installation, a stop-work order may be posted. Before any further work is done a stop-work order clearance from the department must be obtained.

C. Operations and Maintenance. Every OWTS shall at all times be maintained and operated in a sanitary condition and state of good repair and in accordance with any permit conditions.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.110 Notice of operating permit conditions.

In order to provide notice to any future owners of a property, a notice of operating permit requirements for onsite wastewater treatment system may be recorded by the department in the office of the county recorder of Alameda County after approval of an OWCU and the issuance of an operating permit. Properties which had a deed restriction for an OWTS recorded under the previous ordinance requirements may apply to the department to have the deed restriction replaced with a notice of operating permit requirements.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.120 Right of entry.

For the purpose of inspecting or monitoring any OWTS or OWCU, the department may enter any area of any property at reasonable times subject to the department providing advanced notice to the owner, lessee, occupant, user or designated agent as is reasonable and practicable under the circumstances. This section shall not preclude the department from entering property without notice, based on reasonable cause to believe that there exists a condition related to an OWTS or OWCU that poses an imminent threat to public safety, health or welfare.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.130 Variance.

A. A variance to any requirement may only be granted if the applicant demonstrates all of the following criteria:

1. Special circumstances and conditions exist on the property which deprive the property owner of privileges enjoyed by other property subject to this chapter;

2. The granting of the variance will not constitute a grant of special privileges inconsistent with any limitation on other property subject to this chapter;

3. The granting of the variance will not be detrimental to other persons or property (including but not limited to watercourses or wetlands or the water quality of subsurface water) or to the public health, safety or welfare.

B. The department will review any request for a variance and may deny it. If the department does not deny a variance request, a recommendation to grant the variance will be sent to the Board of Supervisors for final review and approval.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.140 Appeals.

A. Appeal. Any property owner or other person aggrieved by any decision made pursuant to this chapter or any LAMP Documents (the appellant) may request a hearing on the decision by appealing to the director of the department of environmental health (director). The appeal must be in writing and must specify the grounds for appeal. The written appeal must be actually received by the department no later than fifteen (15) days after actual receipt by the property owner or other person of the decision or fifteen (15) days after the date notice of the decision is mailed by the department, whichever is sooner. The director shall schedule an appeal hearing before the Alameda County Onsite Wastewater Treatment System (OWTS) Commission and a notice of the hearing on that appeal shall be mailed within fifteen (15) days after receipt by the department of a timely appeal. The director may resolve the issues with the appellant, who can then withdraw the appeal.

B. Appeal to the Onsight Wastewater Treatment System Commission.

1. The appeal hearing shall be conducted in accordance with the procedures set forth in the OWTS Commission Bylaws.

2. After the appeal hearing, the director shall consider the OWTS Commission determination and may revise the decision of the department, in full or part, consistent with the OWTS Commission determination. The director shall issue the final appeal decision within twenty (20) days of the OWTS Commission determination, and it shall be the final departmental decision.

C. Appeal to the Board of Supervisors. If the appellant is not satisfied with the final departmental decision, the appellant may file an appeal with the Alameda County Board of Supervisors. That appeal to the Board must be made in writing and must specify the grounds for appeal. That written appeal must be actually received by the clerk of the board no later than fifteen (15) days after the date of mailing by the director of the final departmental decision. Thereafter, following receipt by the clerk of the board of a timely appeal, the board shall promptly schedule a hearing on the appeal. The decision by the board after the hearing shall be final.

(Ord. No. 2018-32, § B, 6-5-18; Res. No. R-2022-27, 7-12-22)

15.18.150 Abatement.

A. Any OWTS or OWCU that fails to meet the requirements of this chapter or the manual is subject to the abatement procedures of Chapter 15.28 of the Alameda County General Ordinance. If the department determines that any OWTS or OWCU endangers the health, property, safety, or welfare of the public or property occupants, it may issue a notice to abate. The property owner must take prompt, appropriate remedial action. In the event the property owner fails to abate or initiate and complete timely remedial action, the department may issue a notice to the property owner to immediately cease wastewater flow into the OWTS or OWCU or to take appropriate interim measures pending completion of remedial action.

B. In the event the department receives information indicating that an OWTS or OWCU poses an imminent risk to the public health, safety or welfare, the department may issue a notice to the property owner to immediately cease wastewater flow into the OWTS or OWCU and take immediate abatement action to eliminate that risk. In that case, in addition to any other rights provided by this chapter or the county ordinance, the department may enter the subject property to implement reasonable mitigation measures or take other reasonable actions necessary to eliminate or mitigate that risk.

C. If the department issues a notice to the property owner to cease flow into the OWTS or OWCU, the department shall also provide a prompt hearing to the property owner to address issues related to necessary and appropriate remedial action to insure that the OWTS or OWCU is functioning properly and that the OWTS or OWCU does not pose a risk to the public health, safety, welfare or the environment.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.160 Enforcement.

A. Failure to pay the required fee or submit the specified monitoring and inspection information, or failure to undertake any required corrective work specified by the department may be cause for issuance of a citation, penalty fees, non-renewal and/or revocation of a permit by the department.

B. Penalties. In addition to any other fine or penalty that may be imposed by law, any person who fails to obtain a permit required by this chapter or the manual is subject to a civil penalty in the amount of double the applicable permit fee which has been established by the board of supervisors.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.170 County not responsible for damages.

The county is not liable or responsible for damage resulting from the defective construction of any OWTS or OWCU as herein provided, nor will the county or any official or employee thereof be liable or responsible by reason of any inspection authorized hereunder.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.180 Indemnity.

Any property owner or other person, including but not limited to any tenant, placing, installing or maintaining an OWTS or OWCU under this chapter shall be required to execute a written agreement with the county that it, he or she agrees to indemnify, defend and hold harmless the county and its agents and representatives from all claims, demands, lawsuits, liability, damage or judgments (herein collectively referred to as "claims") arising out of or in any way connected with the placement, installation or maintenance, modification or removal of such OWTS or OWCU. The only exception to this duty to indemnify, defend and hold harmless is for those claims caused solely by the negligence or willful misconduct of the county or its agents or representatives.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.190 Compliance with areas of special concern, specific plans, regulatory and local requirements.

In locations where there are special environmental or geographical concerns, additional evaluation, standards and requirements must be followed as set forth in the manual. The property owner is also responsible for compliance with all other requirements established by other agencies with jurisdiction over the property including but not limited to any requirements contained in general and specific plans established by Alameda County.

(Ord. No. 2018-32, § B, 6-5-18)

15.18.200 Severability.

If any part or provision of this chapter, the manual or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter and the manual, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter and the manual promulgated hereunder are severable.

(Ord. No. 2018-32, § B, 6-5-18)

## Chapter 15.20 PLUMBING CODE[[5]](#footnote-5)

### ARTICLE I. INCORPORATION BY REFERENCE

15.20.010 Code adoption and title.

*The County of Alameda adopts 2022 California Plumbing Code (CA Title 24, Part 5) as compiled and published by the International Code Council, modified by the California Building Standards Commission, and modified by the additions, deletions, and amendments set forth in this Chapter. The 2022 California Plumbing Code (CA Title 24, Part 5) is incorporated by reference into this Chapter, which shall be known as the Plumbing Code of the County of Alameda.*

(Ord. No. 2022-58, § 6, 12-6-22)

### ARTICLE II. CALIFORNIA PLUMBING CODE, AMENDED SECTIONS TO 2022 CALIFORNIA PLUMBING CODE (CA TITLE 24, PART 5)

15.20.011 CPC Preface.

*{See CPC and AC Section 15.08.011 of this title}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.020 CPC Ch. 1, Administration, Division I, California Administration.

**1.1.0*through*1.1.6***{See CPC}*

**1.1.7 Order of precedence and use.**

**1.1.7.1 Differences.***{See CPC}*

**1.1.7.2 Specific Provisions.***{See CPC}*

***1.1.7.3 Conflicts [BID].****{See CPC, and the following sentence is added} When the requirements within the jurisdiction of this code conflict with the requirements of AC Chapters 15.08, 15.12, 15.16, and 15.24, a decision of the building official shall be required for resolution.*

**1.1.8*County*Amendments, Additions or Deletions*[BID].****The County has exercised its authority* to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. *{Delete remaining sentences in this paragraph}*

*The modifications* comply with Health and Safety Code Section 18941.5 for Building Standards Law *and* Health and Safety Code Section 17958 for State Housing Law *{Delete remainder of this sentence}.*

**1.1.8.1 Findings and Filings.***{See CPC}*

**1.1.8.2 California Energy Code Requirements for Locally Adopted Energy Standards.***{See CPC}*

**1.1.9 Effective Date of this Code*[BID].****{See AC Section 15.08.020}*

**1.1.10 through 1.1.12***{See CPC}*

**1.2 through 1.14***{See CPC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.030 CPC Ch. 1, Division II, Administration.

**101.1*through*102.7***{See CPC and AC Sections 15.08.020 through 15.08.150 for administrative provisions when applicable.*

***102.8 Appendices [BID].****{Provisions in the appendices shall not apply unless specifically adopted. The following CPC appendices are adopted, without amendment, by the County:*

*1. Appendix A, Recommended Rules for Sizing the Water Supply System.*

*2. Appendix B, Explanatory Notes on Combination Waste and Vent Systems.*

*3. Appendix D, Sizing Storm Water Drainage Systems.*

*4. Appendix H, Private Sewage Disposal Systems*

*5. Appendix I, Installation Standard*

*6. Appendix K, Potable Rainwater Catchment Systems.}*

**103.0*through*107.0***{See CPC and AC Sections 15.08.020 through 15.08.150 for administrative provisions when applicable}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.040 CPC Ch. 2, Definitions, Section 203.0.

*{See CPC, and the following definitions are modified}*

**Flood Hazard Area*[FLOOD]****{See CPC and AC Chapter 15.40 of this title.}*

**Private Sewage Disposal System*[HLTH]*** A septic tank with the effluent discharging into a subsurface disposal field, into one or more seepage pits, or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted under the procedures set forth elsewhere in this code *and in AC Chapter 15.18 of this title.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.050 CPC Ch.3, General Regulations, Section 304.0, Connections to Plumbing System Required.

**304.1 General*[CLN WATER].****Plumbing fixtures, drains, appurtenances, and appliances, used to receive or discharge liquid wastes or sewage, shall be connected properly to the drainage system of the building or premises, in accordance with the requirements of this code and AC Section 15.08.180.*

***304.2 Private Sewage Disposal System [HLTH]****{Added}. When a public sewer is not available for use, drainage piping from buildings and premises shall be connected to an approved private sewage disposal system in accordance with AC Chapter 15.18 of this title.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.060 CPC Ch. 4, Plumbing Fixtures And Fixture Fittings, Section 418.3, Location of Floor Drains.

**418.3 Location of Floor Drains*[CLN WATER].*** Floor drains shall be installed in the following areas:

 (1) Toilet rooms containing two or more water closets or a combination of one water closet and one urinal, except in a dwelling unit.

 (2) Commercial kitchens in accordance with Section 704.3.

 (3) Laundry rooms in commercial buildings and common laundry facilities in multi-family dwelling buildings.

 (4) Boiler rooms.

*(5) Locations described in AC Section 15.08.180.*

*(6) Covered areas in vehicular parking structures, as determined on a case-by-case basis by the building official.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.070 CPC Ch. 7, Sanitary Drainage, Section 713.0, Sewer Required.

**713.1 Where Required.***{See CPC}*

**713.2 Private Sewage Disposal System*[HLTH].*** Where no public sewer intended to serve a lot or premises is available in a thoroughfare or right of way abutting such lot or premises, drainage piping from a building or works shall be connected to an approved private sewage disposal system *in accordance with AC Chapter 15.18.*

**713.3 Public Sewer*[HLTH].****{See CPC, and add the following} The determination of whether an existing public sewer is deemed to be available shall be in accordance with AC Chapter 15.18.*

**713.4 Public Sewer Availability*[HLTH].****{See CPC, and add the following} In the event that a public sewer previously determined to be unavailable in accordance with the provisions of CPC Section 713.2 is later extended so as to become available to the said lot or premises, the on-site wastewater treatment system shall be abandoned as directed by the director of environmental health, and all plumbing and drainage systems or parts thereof on such lot or premises shall be connected to the said public sewer.*

**713.5*through*713.7***{See CPC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.080 CPC Ch. 7, Sanitary Drainage, Section 717.0, Size of Building Sewers.

*{See CPC, and delete the footnotes from Table 717.1}*

15.20.090 CPC Ch. 7, Sanitary Drainage, Section 718.0, Grade, Support, and Protection of Building Sewers.

**718.1 Slope*[BID].*** Building sewers shall be run in practical alignment and at a uniform slope of not less than ¼ inch per foot (20.8 mm/m) toward the point of disposal. *The building sewer shall be brought to the building at an elevation below the lowest floor being drained by the building drain to which it will be connected. The invert elevation of the building sewer at the point of disposal shall be at least 3 feet (914 mm) below the top of curb of the adjacent roadway.*

***Exceptions:***

*1. When approved by the Building Official where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of ¼ inch per foot (20.8 mm/m), such pipe or piping 4 inches (100 mm) through 6 inches (150 mm) shall be permitted to have a slope of not less than 1/8 inch per foot (10.4 mm/m) and any such piping 8 inches (200 mm) and larger shall be permitted to have a slope of not less than 1/16 inch per foot (5.2 mm/m).*

*2. Slopes in excess of 20 % (2.4 inches per foot) shall be allowed only with the approval of the building official. Where such slopes are necessitated by the topography of the building site, such approval requests shall require the submittal of a soil and/or geologic investigation report.*

*3. Where straight alignment of the building sewer is not practical, one change in alignment not to exceed 22-½ degrees may be made within the premises. The said alignment change may be made with curved pipe sections and/or pipe joint deflections, as approved by the building official.*

*4. The building official shall have the authority to require that the design of building sewers that are part of a pumped system be subject to the approval of the sanitary district serving the property in question.*

*5. Where it is impractical to install the building sewer so that the invert at the property line is at least 3 feet (914 mm) below the top of curb, the cover over the building sewer at the property line may be reduced provided that a reinforced concrete cap, or equivalent, is installed over the pipe and under the adjacent roadway sidewalk, curb, and gutter in accordance with the requirements of the sanitary district serving the property in question, but in no case shall the said cover be less than 18 inches (457 mm).*

**718.2. Support.***{See CPC}*

**718.3 Protection from Damage*[BID].*** No building sewer or other *sanitary* drainage piping or part thereof, which is constructed of materials other than those approved for use under or within a building, shall be installed under or within 2 feet (610 mm) of a building or structure, or part thereof, nor less than 1 foot (305 mm) below the surface of the ground. The provisions of this subsection include structures such as porches and steps, whether covered or uncovered; breezeways; roofed porte-cochere; roofed patios; carports; covered walks; covered driveways; and similar structures or appurtenances.

*No building sewer shall be located within 50 feet (15.2 m) of the flow line of waterways or in areas of known or projected seismic landslide hazard without the submittal, to the building official, of a soil and/or geological investigation report. The said report shall include recommendations for material, relocation, redesign, or other means of protection for the building sewer as necessary. The building official shall have the authority to require that any such recommendations and/or other means of reasonable protection be provided as a condition of authorizing the construction of the building sewer.*

*The building official shall have the authority to require that any building sewer be protected through the installation of interceptors in accordance with the provisions of CPC Section 1014.*

***Exception:****The building official shall have the authority to require that any report required by this section be submitted for review and concurrence by the sanitary district serving the property in question, and to include any or all recommendations of the said district as part of the conditions of approval of the building sewer.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.100 CPC Ch. 11, Storm Drainage, Section 1101.2, Where Required.

**1101.2 Where Required*[BID][Cln Water].*** Roofs, paved areas, yards, courts, courtyards, vent shafts, light wells, or similar areas having rainwater, shall be drained into a separate storm sewer system *or to some other place of disposal satisfactory to the County. All such drainage shall be in compliance with AC Section 15.08.180 of this title and with AC Chapter 13.08 of title 13 of the General Ordinance Code of the County. In the event of conflict, the most restrictive provisions shall govern.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.20.110 CPC Ch. 12, Fuel Gas Piping, Section 1211.7, Earthquake-Actuated Gas Shutoff Valves.

**1211.8 Earthquake-Actuated Gas Shutoff Valves*[BID].*** Earthquake-actuated gas shutoff valves designed to automatically shut off the gas at the location of the valve in the event of a seismic disturbance and certified by the State Architect as conforming to California Code of Regulations, Title 24, Part 12, Chapter 12-16-1, shall be provided for buildings *as required by this section.* Earthquake-actuated gas shutoff valves which have not been certified by the State Architect *shall be prohibited.*

***1211.8.1 Definitions [BID].****{Added} For the purposes of this section, the following terms, phrases, and words shall be interpreted as set forth in this subsection:*

***Downstream of the Gas Utility.****Piping and appurtenances downstream of the service piping; i.e. piping and appurtenances under the control of and maintained by the building owner. See CPC Section 209 Gas Piping System.*

***Earthquake-actuated Gas Shutoff Valve (Device), or Seismic-actuated Gas Shutoff Valve (Device).****See Section 1211.8.*

***Excess flow Gas Shutoff Valve (device).****See CPC Section 207.*

***Existing Building.****Any building for which the initial construction permit was issued prior to July 5, 2001.*

***Gas Shutoff Valve (Device).****See Earthquake-actuated gas shutoff valve.*

***Major Remodeling.****The alteration of an existing building, when that alteration includes work involving the existing gas piping system and the valuation of the alteration exceeds $5,000.00, or when that alteration does not include work involving the existing gas piping system but the valuation of the alteration exceeds $50,000.00. The installation of a new gas piping system in an existing building that does not include an existing gas piping system shall be considered major remodeling, regardless of valuation.*

***Multi-functional Gas Shutoff Valve (Device).****A seismic-actuated gas shutoff valve combined with additional safety components intended to be actuated in the event of gas leakage, carbon monoxide buildup, or other events.*

***New Building.****Any building for which the initial construction permit was issued on or after July 5, 2001.*

***Residential Building.****Any building with a R-2 or R-3 occupancy classification per the California Building Code.*

***Service Piping.****See CPC 221.0.*

***1211.8.2 Where Required [BID].****{Added} Gas shutoff devices, designed and certified in accordance with this section, shall be installed in the gas piping systems of all new residential, commercial, and industrial buildings and the gas piping systems of existing residential, commercial, and industrial buildings undergoing major remodeling.*

***Exceptions:***

*1. Gas shutoff devices are not required to be installed in a fuel gas line downstream of the gas utility meter when such a device, conforming to the requirements of this section, is installed in the same line upstream of the meter and downstream of the meter service regulator, provided that the installation of the device was completed by employees or agents of the gas utility in accordance with the requirements of the device manufacturer.*

*2. Gas shutoff devices are not required to be installed in a fuel gas line downstream of the gas utility meter when a functional but non-conforming shutoff device was installed downstream of the gas utility meter in the same line prior to July 5, 2001, provided that the installation was completed in accordance with the requirements of the device manufacturer and that the device is maintained for the life of the building.*

*3. Gas shutoff devices installed by a gas utility in a gas distribution system owned and maintained by that utility are not subject to the requirements of this section.*

*4. Gas shutoff devices are not required to be installed when the gas piping system is designed to withstand seismic forces.*

*5. Gas shutoff devices are not required to be installed in process piping or other equipment used in manufacturing.*

***1211.8.3 Design and Certification of Gas Shutoff Devices [BID].****{Added} Gas shutoff devices shall be excess flow-actuated, seismic-actuated, multi-functional, or other designs as listed by a listing agency. All such devices shall be guaranteed by the manufacturer to be free of defects and to properly operate for at least 30 years beyond the date of installation.*

***Exception:***

*The building official shall have the authority to approve or reject other devices or types of devices proposed for use on specific projects.*

***1211.8.4 Installation and Maintenance of Gas Shutoff Devices[BID].****{Added} Gas shutoff devices shall be installed in gas piping systems, including those systems intended for use with liquefied petroleum gas, by a contractor licensed in the appropriate classification by the state and in accordance with the manufacturer's instructions.*

*Seismic-actuated shutoff devices shall be installed downstream of the gas utility meter or the liquid petroleum tank on each fuel line that serves the building.*

*Excess flow-actuated shutoff devices shall be installed downstream of the gas utility meter or the liquid petroleum tank on each fuel line that serves the building and at each gas appliance within the building.*

*The seismic-actuated shutoff components of multi-functional shutoff devices shall be installed downstream of the gas utility meter or the liquid petroleum tank on each fuel line that serves the building and the additional components (gas leak detectors, carbon monoxide detectors, etc.) shall be installed in accordance with the manufacturer's instructions.*

*With respect to residential buildings, the major remodeling of an individual condominium or apartment unit shall require that a gas shutoff device be installed in the fuel gas line or lines serving that unit, but shall not require that gas shutoff devices be installed in other fuel gas lines serving that building.*

*With respect to commercial and industrial buildings, the major remodeling of an individual unit or tenant space within such buildings shall require that gas shutoff devices be installed in each fuel gas line serving that building.*

*Whenever gas shutoff devices are installed as required by this section, the said devices shall either be maintained for the life of the building or structure or they shall be replaced with devices complying with the requirements of this section.*

(Ord. No. 2022-58, § 6, 12-6-22)

## Chapter 15.24 HOUSING CODE[[6]](#footnote-6)

15.24.010 General.

*The County of Alameda adopts the 1997 Edition of the Uniform Housing Code (UHC) as compiled and published by the International Conference of Building Officials and modified by the additions, deletions, and amendments set forth in this Chapter. The 1997 Edition of the Uniform Housing Code (UHC) is incorporated by reference into this Chapter, which shall be known as the Housing Code of the County of Alameda and enforced with California State Housing Law, California Health and Safety Code Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17910, et seq.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.020 UHC Ch. 1, Title and Scope.

*{Not adopted}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.030 UHC Ch. 2, Enforcement.

*{Not adopted, except Sections 201.1 and 202 are adopted and amended to read as follows}*

**SECTION 201.1 Authority.** The building official, *or other enforcement officer designated by him/her,* is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer.

**SECTION 202 — SUBSTANDARD BUILDINGS*[BID]***

Buildings or portions thereof that are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal *as determined by the building official, or other enforcement officer designated by him/her,* in accordance with the *procedures specified in equity or law, including any relevant provisions in the AC General Ordinance Code.*

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.040 UHC Ch. 3, Permits and Inspections.

*{Not adopted}*

15.24.050 UHC Ch.4, Definitions, Section 401, Definitions [BID].

*{Not adopted, except that the following definitions are adopted and amended to read as follows}*

**HEALTH OFFICER.** The *health officer of the County.*

**NUISANCE.** The following shall be defined as nuisances:

 1. *Any nuisance as defined in Section 17920 of the Health and Safety Code, or any* public nuisance known at common law or in equity jurisprudence.

 2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.

 3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

 4. Overcrowding a room with occupants.

 5. Insufficient ventilation or illumination.

 6. Inadequate or unsanitary sewage or plumbing facilities.

 7. Uncleanliness, as determined by the health officer.

 8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.060 UHC Ch. 5, through UHC Ch. 9.

*{Not adopted}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.070 UHC Ch. 10, Substandard Buildings, Section 1001 — Definition [BID].

**1001.1 General.** Any building or portion thereof that is determined to be an unsafe building in accordance with *AC Section 15.08.150 of this title,* or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

**1001.2*through*1001.10***{See UHC}*

**1001.11 Hazardous or insanitary premises.** The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that shall be abated in accordance with the *procedures specified in equity or law, including any relevant provisions in the General Ordinance Code.*

**1001.12*through*1001.14***{See UHC}*

(Ord. No. 2022-58, § 6, 12-6-22)

15.24.080 UHC Ch. 11 through UHC Ch. 15.

*{Not adopted}*

(Ord. No. 2022-58, § 6, 12-6-22)

## Chapter 15.28 ABATEMENT PROCEDURE

**Sections:**

**Sections:**

**Sections:**

### Article I  General

15.28.010 Purpose.

It is the purpose of the provisions of this chapter to develop an equitable and practicable alternative method, to be cumulative with and in addition to, any other remedy available at law, whereby substandard property which endangers the health, property, safety, or welfare of the public or its occupants, may be required to be abated.

(Prior gen. code § 7-100)

15.28.020 Definitions.

"Abatement" includes but is not limited to demolition, removal, repair, vacation, maintenance, construction, replacement, reconditioning of structures, buildings, appliances or equipment; and to the correction or elimination of any substandard condition upon substandard property.

"Clerk," unless otherwise specified, refers to the clerk of the board of supervisors.

"Demolish" or "demolition" as used in this chapter includes the removal of the resulting debris from such demolition and the protection by filling of excavations exposed by such demolition and abandonment of sewer or other waste disposal facilities as may be required by this code or other ordinance or laws.

"Enforcement official" or his designee means that person authorized to administer the provisions of this chapter as follows:

1. The county health officer or director of the environmental health division for enforcing statutes, quarantine and other regulations, rules, orders, and ordinances pertaining to the public health;

2. The building official for matters regulated by Title 15;

3. The chief of the Alameda County fire patrol for matters regulated by Chapter 6.04, Title 6 and by Chapter 6.44 of Title 6 with respect to the unincorporated territory situated outside any fire protection district;

4. The chief of a fire protection district for matters regulated by Chapter 6.04 and by Chapter 6.44 within a county fire protection district;

5. The planning director or designee for matters regulated by Title 17, including but not limited to wind energy conversion systems.

Hearing Officer. The hearing officer authorized to conduct hearings under this chapter or his or her designee shall be as follows:

1. The county health officer in proceedings initiated by the director of the environmental health division;

2. The director of public works in proceedings initiated by the building official;

3. The county fire warden in proceedings initiated by the chief of the county fire patrol;

4. The chief of a fire protection district for matters regulated by Chapter 2, Title 3 and by Article 12, Chapter 6 of Title 3 within a county fire protection district;

5. The planning director or designee for matters regulated by Title 17, including but not limited to wind energy conversion systems.

"Party-concerned" as used in this chapter means the person, if any in real or apparent charge and control of the substandard property, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the owner or holder of any lease of record, the record holder of any other estate or interest in or to such property. As used in this paragraph all reference to "record" means matters of record in the office of the county recorder of this county which definitely and specifically describes the premises involved.

However, in the case of the abatement of nuisances specified in Section 6.44.010 et seq. (hazardous weeds and litter), the "party concerned" may be limited to the record owner and the person in actual or apparent control of the substandard property.

Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code or whenever the enforcement official or hearing officer has reasonable cause to believe that a violation of this code exists in any building or any premises, or there exists in any building or upon any premises any condition which makes the building or premises dangerous, substandard, unsanitary, or a menace to life, health or property, he may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by law, ordinance, rule, or regulation; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry. If such entry is refused, the enforcement official shall have recourse to every remedy provided by law to secure entry, specifically as provided in code of Civil Procedures Sections 1822.50 et seq.

Substandard conditions shall include but are not limited to the following:

1. An existing building, structure, electrical, plumbing or mechanical installation or portion thereof which is dangerous as defined in Section 15.04.060, which is substandard as defined in Section 15.04.070, or which is illegal as defined in Section 15.04.080;

2. The existence of a fly nuisance or waste which has been allowed to become a harborage, attractment or food source for rodents or has caused unreasonable production of odors resulting in the depreciation of adjacent property or comfortable enjoyment of life thereon, as defined in Chapter 6.32 of Title 6; or the existence of other unsanitary conditions as defined in Chapter 6.40 of Title 6;

3. The existence of a fire hazard as defined in Chapter 6.04 of Title 6, or of hazardous weeds as defined in Chapter 6.44 of Title 6;

4. The existence of any other condition to an extent that endangers the life, limb, health, property, safety, or welfare of any person.

The term "substandard property" shall include any building, structure or land upon which substandard conditions exist.

(Ord. 2000-14 § 1, 1999; prior gen. code §§ 7-100.1—7-100.9)

### Article II Requirements

15.28.030 Determination by enforcement official.

Whenever the enforcement official determines by inspection that any existing building or portion thereof, or any lot or other premises, is substandard property, as defined in this chapter, such building or premises, or both, are hereby declared a public nuisance, and the enforcement official may order the abatement of the nuisance by demolition, repair or rehabilitation of the substandard building or portion thereof or at the option of the party concerned by demolition thereof. The order also may require that the building be vacated. If the premises are substandard the enforcement official also may order that the substandard conditions be removed.

(Prior gen. code § 7-100.10)

15.28.040 Informal notice.

When the enforcement official has so found, in addition to any notices hereafter required by this chapter, he may give to the occupants of the substandard property, and to any other person whom he deems should be so notified, information concerning the provisions of this chapter, any violation thereof, how the person notified may comply and any other information as he deems expedient. He may post such information on the substandard property.

(Prior gen. code § 7-100.11)

15.28.050 Order of enforcement official.

A. If, in the opinion of the enforcement official, the property is found to be substandard, the enforcement official may give to the party concerned written notice thereof.

B. The notice shall set forth the street address and a legal description or the county assessor's designation of the premises, contain a concise but complete description of the facts constituting the public nuisance with reference to applicable code sections; and the proposed method of abatement.

C. The notice may require the owner or person in charge of the substandard property to complete the required abatement of the substandard conditions within thirty (30) days, or such other time limit as the enforcement official may stipulate; and shall direct them to appear before the hearing officer at a stated time and place and show cause why such substandard property should not be condemned as a nuisance and said nuisance be abated as herein provided.

D. The notice shall advise the owner or person in charge or control of the building, structure or premises, and all interested persons, that failure to appear at the hearing may be deemed an admission by him of the acts or omissions charged in the notice, and that the hearing officer may order abatement solely based upon the notice and the admission of the content thereof; or

E. Exception. Whenever substandard property or portion thereof constitutes an immediate hazard to health or property, and in the opinion of the enforcement official the conditions are such that repairs or demolition or other work necessary to abate the hazard must be undertaken sooner than provided by the procedures set forth in this chapter, he may make such alterations or repairs, or cause such other work to be done to the extent necessary to abate the substandard condition and protect health or property, after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever, when, in his opinion, immediate action is necessary.

(Prior gen. code § 7-100.12)

15.28.060 Service of notice.

A. A copy of the notice shall be posted in a conspicuous place upon the building or structure or otherwise on the substandard property which is the subject of the proceeding.

B. Service of the notice upon the party concerned shall be by personal service, by registered or certified mail. However, in the case of the abatement of a nuisance specified in Sections 6.44.010 et seq., (hazardous weeds and litter), notice may be served by regular mail. Service by mail shall be effective on the date of mailing, postage prepaid, to each person at his or her address as it appears on the last equalized assessment roll, or as known to the enforcement official. If no such address so appears, or is not known, then the notice shall be mailed to such person at the address of the building, structure, or premises involved in the proceedings. The failure of any owner or other person to receive mailed notice shall not affect in any manner the validity of any proceedings taken hereunder. An affidavit of service shall be filed, together with a copy of said notice, in the proceedings, certifying the time and manner in which such notice was served.

C. The notice of hearing shall be posted and served at least five days prior to the date set for hearing.

(Prior gen. code § 7-100.13)

15.28.070 Declaration of substandard property.

The enforcement official may file with the county recorder a declaration that substandard property has been inspected and found to be such, as defined in this chapter, and that all parties concerned have been or will be so notified. After the enforcement official finds that the public nuisance has been abated and either that such abatement has been accomplished at no cost to the county, or that such costs have been placed upon the tax rolls as a special assessment pursuant to Section 25845 of the Government Code, or when the enforcement official's jurisdiction has been preempted by government acquisition of the property, he shall record in the office of the county recorder a document terminating the above declaration.

(Prior gen. code § 7-100.14)

15.28.080 Hearing.

The hearing officer shall conduct the abatement hearing subject to the following:

A. The enforcement official shall present competent evidence that the subject property falls within the definition of public nuisance; as to the method reasonably to correct the nuisance; and as to such other matters deemed pertinent by the hearing officer.

B. The parties to the abatement hearing shall be entitled to be represented by counsel.

C. The hearing shall be conducted in an impartial and informal manner in order to encourage free and open discussion by participants.

D. All testimony shall be submitted under oath or affirmation and shall be subject to cross-examination.

E. The hearing officer shall not be bound by the rules of evidence applicable in judicial proceedings.

F. The proceedings at the hearing shall be reported by a phonographic reporter or otherwise perpetuated by electronic means; or in lieu thereof stenographic notes may be taken and the substance thereof subsequently transcribed.

G. The decision of the hearing officer shall be in writing and shall be final. However, the aggrieved party may appeal such decisions, excepting those relating to hazardous weeds and litter, by filing a written notice of appeal with the hearing officer within five days after service of the order of abatement pursuant to Section 15.28.100E. The appeal shall be heard by the board of supervisors which may affirm, amend or reverse the decision or take other action deemed appropriate.

H. Any judicial action to modify or set aside the final decision shall be commenced no later than thirty (30) days after the completion and exhaustion of the foregoing administrative procedures.

(Prior gen. code § 7-100.15)

15.28.090 Standards for abatement.

The following standards shall be followed in substance by the hearing officer in determining what, if any, form of abatement shall be ordered.

A. Any order to demolish may initiate an alternative permission to repair and an order to repair may be satisfied by demolition.

B. If the condition can be reasonably repaired so that it will no longer exist in violation of this code, it shall be ordered repaired.

C. If the condition renders the building or structure dangerous to the health, safety, or general welfare of its occupants, it shall be ordered vacated.

D. In any case where a dangerous building or structure is more than fifty (50) percent damaged, or decayed or deteriorated, it may be demolished.

E. In all cases where a substandard condition cannot reasonably be repaired so that it will no longer exist in violation of this code, it may be demolished or removed.

(Prior gen. code § 7-100.16)

15.28.100 Order of hearing officer.

A. Within thirty (30) days after the conclusion of the hearing the hearing officer shall render his or her decision, either terminating the proceedings, or if he or she finds that the substandard property is a public nuisance ordering that it be abated.

B. The order of abatement shall set forth the street address of the substandard property and a legal description or the county assessor's designation of the premises sufficient for identification. It shall contain a statement of the particulars of the condition or conditions which render the building, structure or premises a public nuisance, and a statement of the work required to abate the nuisance. Reference may be made to the notice of hearing for such statement of particulars with any appropriate modification thereof.

C. The order shall specify the dates to commence and complete the work of abatement.

D. The time to commence or complete the work may be extended for good cause upon written application.

E. A copy of the order of abatement shall be posted in a conspicuous place upon the building or structure or otherwise upon the substandard property and shall be served in the manner prescribed for the service of notice of hearing.

F. In the case of the abatement of a nuisance specified in Sections 6.44.010 et seq. (hazardous weeds and litter), the hearing officer may elect to serve the order of abatement upon the party concerned either by (1) oral pronouncement to those present at the close of the hearing, (2) writing delivered personally or by mail, (3) posting the property, or (4) any combination of the foregoing. The hearing officer is not required to give notice of the abatement order to a party concerned who was given notice of hearing but did not attend the hearing.

(Prior gen. code § 7-100.17)

15.28.110 Work by private party or agency.

A. Any person having the legal right to do so may repair or demolish a substandard building or do any other work required to remove the substandard conditions at any time prior to the time when the enforcement official does so, but if such person does such work after the time specified in the last order of the hearing officer, all costs incurred by the county or district in preparation for the doing of such work are chargeable to the property and shall be collected as hereinafter provided.

B. If the order of the hearing officer is not complied with within the period designated, the enforcement official may then demolish the substandard building or portions thereof, or may cause such other work to be done to the extent necessary to eliminate the hazard upon the substandard property and other substandard conditions, determined to exist by the hearing officer.

C. Where the proceedings pertain to hazardous weeds and litter (Sections 3-150.0 et seq.) and the notice to abate within a specified time or to appear for a show cause hearing on a certain date is given by the enforcement official, the hearing officer may determine to proceed with abatement on the day following the date fixed for the hearing or, if the matter has been continued by the hearing officer, the day following the conclusion thereof, and the enforcement official shall acquire jurisdiction to abate said condition at said person's expense as herein provided. Any property owner or responsible person shall have the right to abate said condition himself, or have the same abated at his own expense, provided such condition has been abated prior to the arrival of the enforcement official or his authorized representatives.

D. When in the opinion of the enforcement official substandard property or portion thereof is an immediate hazard to health or property, and the abatement of such hazard requires prompt action, the enforcement official may then abate the substandard condition or may cause such other work to be done to the extent necessary to eliminate the hazard as provided in Section 15.28.050E and without amendment to the order of abatement.

E. The enforcement official may cause the material of any building or structure ordered to be demolished to be sold. The sale shall include stipulations that the building or structure be forthwith demolished, the wreckage, and debris removed and the lot cleaned. The enforcement official may sell any such building single or otherwise, as he may deem appropriate in order to insure that the consideration obtained from one or more buildings shall be adequate to pay the cost of demolition and cleaning the site. Any surplus from the sale of any such building or structure, or group of buildings or structures, over and above the cost of demolition and cleaning the site shall be distributed to persons lawfully entitled thereto. Any work of abatement performed by the enforcement official shall be accomplished in accordance with appropriate procedures applicable to the county or fire district.

(Prior gen. code § 7-100.18)

15.28.120 Penalties.

A. A person shall not obstruct, impede, or interfere with the enforcement official or his representative or with any person who owns or holds any interest or estate in a substandard building or substandard property which has been ordered by the hearing officer to be abated or which is abated under Section 15.28.050E, whenever the enforcement official or such owner is engaged in barricading, repairing, vacating and repairing, or demolishing any such substandard building or removing any substandard conditions from substandard property pursuant to this chapter, or in the performance of any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto. Any violation hereof is a misdemeanor.

B. If the owner or person in control of the substandard property shall fail, neglect, or refuse to comply with any order of the hearing officer, he shall be guilty of a misdemeanor.

C. The occupant or lessee in possession or other person in control of a substandard building, who fails to vacate said building in accordance with any order of abatement issued by the enforcement official or hearing officer, shall be guilty of a misdemeanor.

D. Any person who removes any notice or order posted as required or permitted by chapter shall be guilty of a misdemeanor.

(Prior gen. code § 7-100.19)

15.28.130 Abatement fund.

A. The board of supervisors may set up a special revolving fund to be designated as the abatement fund. Payments shall be made out of said fund to defray the costs and expenses of abatement.

B. The board of supervisors may at any time transfer to such special fund, out of any money in the general fund of said county, such sums as it say deem necessary in order to expedite the performance of the work of abatement, and the sum so transferred shall be deemed a loan to said special fund and shall be repaid out of the proceeds of the assessments. All funds so collected under the assessment proceedings shall be paid when collected to the county treasurer who shall place the same in the abatement fund.

C. Funds collected for the purpose of abating inoperable and/or abandoned wind energy turbines shall be placed in an interest-bearing escrow account with the community development agency, and shall be managed as follows:

1. Deposits required pursuant to Section 15.04.370 shall be paid at the time a building permit is issued. The deposit is a one-time deposit for each wind turbine;

2. The cash performance deposit shall be deposited in an interest bearing escrow account;

3. Each deposit shall be recorded as being paid by a specific permittee for a specific turbine or group of turbines on a specific property;

4. Funds accumulated in the escrow account may be withdrawn by the planning director by written request to the escrow account agent stating that abatement is necessary due to abandonment, for the sole purpose of turbine removal and site restoration, plus reasonable overhead charges. Aggregated funds in the escrow account may be used for the removal of any wind turbine in the Altamont Pass, regardless of the source of the funds, turbine or land ownership, permit status, or other factors;

5. No liability shall be incurred by the county or escrow agent for withdrawal of funds so long as the appropriate abatement/abandonment statement is filed;

6. Upon filing the order of abatement, funds in the amount specified by the planning director shall be immediately delivered to the planning director for turbine removal and site restoration;

7. Any funds recovered from salvage of dismantled turbines shall first be applied to cover the cost of abatement of the specific turbines in question; any remaining amount of salvage value shall be applied to the escrow account for future use; reasonable efforts shall be made by Alameda County to maximize the amount of salvage value;

8. Deposited funds shall be refunded to the permittee upon written request to the planning director, with adequate supporting documentation showing that specific permitted turbine(s) either were never installed or have been fully removed and the site restored. Upon the granting of such a request, the applicable conditional use permit or portion thereof shall be rescinded and the permittee shall forfeit any rights to install turbines pursuant to it;

9. The escrow agent, trust company, or county offices shall be entitled to reasonable management fees to administer the terms of the escrow agreement.

(Ord. 2000-14 § 3, 1999; prior gen. code § 7-100.20)

15.28.140 Report of costs of abatement—Administrative fee.

The appropriate enforcement official shall keep an itemized account of the costs involved in the abatement of any substandard condition. Upon completion of the abatement, the enforcement official shall prepare and file with the clerk a report specifying the work done, the cost of the work, a description of the real property upon which the substandard condition was or is located, the names and addresses of the parties concerned, and the assessment against each lot or parcel proposed to be levied to pay the cost of abatement thereof. Fees to cover the administrative costs of abatement shall be added to the assessment. Such fees shall be as provided by resolution of the board of supervisors.

(Prior gen. code § 7-100.21)

### Article III Procedure for Assessment of Cost of Abatement in Event of Default of Owner

15.28.150 Report transmitted to board of supervisors.

Upon receipt of the report, the clerk shall place the report on the agenda for consideration by the board. The clerk shall cause notice of the cost of abatement to be mailed to the parties concerned listed in the enforcement official's report at least seven days prior to the hearing. Such notice shall specify the day, hour and place the board will hear any objections or protests which may be raised by any interested persons and that the board will pass upon the report of the enforcement official. Notice of hearing shall be published at least seven days prior to the date of hearing in the newspaper of general circulation within the county. In the case of a report concerning a nuisance specified in Sections 6.44.010 et seq. (hazardous weeds and litter), notice of hearing shall be published, but is not required to be mailed to each party concerned.

(Prior gen. code § 7-100.22)

15.28.160 Protest and objection—How made.

Any person to whom notice of hearing was sent and any person interested and affected by the proposed assessment may file written protests or objections with the clerk at any time prior to the date set for the hearing on the report of the board. Each such protest or objection must contain the address of the protestor or objector and a description of the property in which the signor thereof is interested and the grounds of such protest and objections. The clerk shall endorse upon every such protest or objection the date it was received by him and shall present it to the board at the time set for hearing.

(Prior gen. code § 7-100.23)

15.28.170 Hearing on report.

Upon the day and hour set for the hearing the board shall hear and pass the report of the enforcement official together with any protests or objections. The board may make such revision, correction or modification of the report as it may deem just and when it is satisfied with the correctness of the assessment, the report as submitted, or as revised, corrected, or modified, together with the assessment shall be confirmed.

(Prior gen. code § 7-100.24)

15.28.180 Contest.

The validity of any assessment levied under the provisions of this section shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed. Any appeal from a final judgment in such action or proceeding must be commenced within thirty (30) days after the entry of judgment.

(Prior gen. code § 7-100.25)

15.28.190 Special assessment and lien.

The amounts of the assessment upon the various parcels of land and properties mentioned in the report, as confirmed, shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessment.

(Prior gen. code § 7-100.26)

15.28.200 Collection of assessment.

The assessment shall be collected in the following manner:

A. A copy of the report and assessment, as confirmed, shall be turned over to the auditor of the county on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

B. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

C. Thereafter the amounts of assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same procedure and sale in case of delinquency as provided for ordinary county taxes.

D. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes.

(Prior gen. code § 7-100.27)

15.28.210 Alternative collection procedure.

Notwithstanding the provisions of Section 15.28.200 and in lieu thereof, in the event of nonpayment of assessment, the board may, at any time within sixty (60) days after its decision on the report and assessment, cause to be filed in the office of the county recorder a notice of lien against said properties of the confirmed assessment upon the following conditions:

A. From and after the recording of said notice of lien, all persons shall be deemed to have had notice of the contents thereof. The statutes of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

B. All such assessments remaining unpaid after thirty (30) days from the date of recording of said lien shall become delinquent and bear interest at the rate of one-half of one percent per month computed upon the date of delinquency and on the first day of each month subsequent to said date of delinquency. The lien shall continue until the amount thereof is paid or until it is discharged of record.

C. If the sum assessed is not paid within thirty (30) days after the date of recording of said notice of lien, the board may direct the county counsel to bring an action, in the name of the county, to foreclose the lien of assessment.

(Prior gen. code § 7-100.28)

15.28.220 Violation of provisions a misdemeanor.

Any person who violates any of the provisions of the title is guilty of a misdemeanor, which may be prosecuted as an alternative to other remedies contained herein, and which is punishable by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Prior gen. code § 7-100.29)

15.28.230 Severability of provisions.

The board of supervisors hereby declares that it would have adopted each separate provision of this title, regardless of the adoption of any other provision, and if any remedy provided for in the title held unavailable, invalid or limited in effect, such limitation shall not affect the application of other provisions of the code.

(Prior gen. code § 7-100.30)

15.28.240 Alternate procedure.

No provision in this chapter shall be construed as disallowing the use of any abatement procedure now or hereafter available in the Alameda County General Ordinance Code or by state law.

(Prior gen. code § 7-100.31)

## Chapter 15.32 PROPERTY NUMBERING SYSTEM

**Sections:**

15.32.010 Purpose.

The board of supervisors finds that the public interest, safety, welfare and convenience require the establishment of a numbering system of street and road addresses in a uniform plan for the county. For the accomplishment of this objective, the board hereby establishes a uniform numbering system of street and road addresses for the county which shall be known of the Alameda County Property Numbering System.

(Prior gen. code § 5-28.0)

15.32.020 The system.

The county property numbering system shall become effective in the unincorporated area of the county and may be established within any city of the county upon its adoption by said city.

(Prior gen. code § 5-28.1)

15.32.030 Base lines.

The county property numbering system shall consist of base lines from which property numbers shall be established, the property numbers to progress in an increasing magnitude in easterly and westerly, and northerly and southerly directions generally in accordance with the distance from the base lines.

(Prior gen. code § 5-28.2)

15.32.040 System to be shown on maps.

The county property numbering system shall consist of a map or maps of the county or portions thereof adopted under Section 15.32.100 of this chapter, upon which map or maps the base lines shall be shown or designated and by index lines indicate the principal locations at which major units of the numbering system shall commence, and such other maps shall be prepared and maintained as shall be necessary to designate the numbers and locations of numbers assigned to particular buildings and lands under the system. All maps constituting any portion of the county property numbering system shall have a legend endorsed thereon stating that the maps constitute a portion of the system.

(Prior gen. code § 5-28.3)

15.32.050 Designation of enforcing official.

The system or portions thereof shall be continued, enforced, operated and maintained within the unincorporated area of the county by the office, person or department designated by the board of supervisors, and property numbers assigned within such area shall be done in accordance with the system.

(Prior gen. code § 5-28.4)

15.32.060 Proper numbers to be assigned.

For purposes of determining the proper number for a particular location the number shall be proportional to the distances between the numbers next adjacent to the location on either side or the major unit line or lines if no numbers have been previously established on adjoining properties. For purposes of determining whether a number shall be odd or even, it is determined that odd numbers shall be on the right hand side of the street or road and even numbers on the left hand side of the street or road in the direction of increasing magnitude of numbers. Where existing numbers have been established prior to this chapter and the odd and even numbers exist in a reverse order on the sides of the street or road, the reversed order of odd and even number location shall remain as it presently exists and shall continue for any extension of the street or road.

(Prior gen. code § 5-28.5)

15.32.070 Names of streets.

No street or road crossing any of the base lines of the system shall be known by the same name on both sides of the base line unless the street or road shall be adequately designated by a prefix or suffix indicating a principal compass direction to denote the position of the street or road in relation to the base line (i.e., West Ave. 100, East Ave. 100, Northwest 200th Street, Southeast 200th Street). From and after the effective date of this chapter any public street, road or way established, or any of the same offered in dedication for public use or any private street or roadway established, shall be named in accordance with the following:

A. All streets, roads and ways running generally northerly and southerly to be known as "streets" or "roads";

B. All streets, roads and ways running generally easterly and westerly shall be known as "avenues" or "ways";

C. All streets, roads and ways running in a variable curving or winding direction shall be known as "drives" or "lanes";

D. All cul-de-sac or dead ends, not a continuation of any of the above shall be known as "courts" or "places";

E. Major arterial routes through the county and/or cities thereof may be known as "boulevards," "parkways," "freeways," or "throughways."

All streets, roads and ways shall be known by the same name for its entire length and where a street, road or way shall change direction by ninety (90) degrees or by a lesser angle, each direction shall be known by a different name, provided that where such exists on the effective date of this chapter such name may continue to exist provided there shall be no further extension of the street, road or way.

(Prior gen. code § 5-28.6)

15.32.080 Display of numbers.

The office, person or department designated to enforce, establish, continue, operate and maintain the numbering system shall give notice to the occupants or owners of land or building which are assigned or reassigned numbers under the system, which notice shall contain the old number, the new number or the number reassigned to a particular building or parcel of land, and the date on which the new number shall become effective.

Within ten days of the effective date of the notice of number assigned or reassigned, the occupants or owners of the property or buildings shall cause the number to be displayed upon the building or land in such manner as to be visible from the street or road upon which the land or building fronts, provided that in rural areas where buildings are removed considerable distance from any public street or road or where rural free delivery of mail is provided, the number may be displayed upon receptacles designed for the delivery of mail. Nothing contained herein shall be construed to prohibit the display of a proper number in accordance with the system upon any road or driveway leading to buildings removed a substantial distance from the public road or street upon which the subject site abuts.

Within not less than ninety (90) days nor more than one hundred twenty (120) days from the effective date of the notice of numbers assigned or reassigned, the occupants or owners of the property or buildings shall remove or obscure from public view any old or previous number not in accordance with the system.

(Prior gen. code § 5-28.7)

15.32.090 Legal description of property not affected.

The adoption of the county property numbering system shall in no way affect the legal description of property by lot and block numbers or by metes and bounds.

(Prior gen. code § 5-28.8)

15.32.100 Map or maps.

The map or maps referred to in this chapter are made a part of this code. Those maps, and all notations, references, and other information shown thereon, shall be as much a part of this chapter as if fully set forth herein.

(Prior gen. code § 5-28.9)

15.32.110 Penalty.

Any person, firm, partnership, co-partnership, or corporation, whether as principal, agent or employee failing or refusing to display a proper number after notice of such has been given in accordance with Section 15.32.080 of this chapter, or willfully displaying or permitting to be displayed any improper number after aforesaid notice shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars ($100.00), or by imprisonment in the county jail of said county for a term not exceeding thirty (30) days, or by both such fine and imprisonment.

(Prior gen. code § 5-28.10)

## Chapter 15.36 GRADING EROSION AND SEDIMENT CONTROL

**Sections:**

### Article I Purpose and Definitions

15.36.010 Title.

This chapter shall be known as the grading ordinance of Alameda County.

(Prior gen. code § 7-110.0)

15.36.020 Purpose.

This chapter is enacted for the purpose of regulating grading work on private property within the unincorporated area of the county in order to safeguard life, limb, health, property, and public welfare; to protect creeks, watercourses, and other drainage facilities from illicit discharges of surface runoff generated in or draining through the permit work area; and to ensure that the construction and eventual use of a graded site is in accordance with the county general plan, any applicable specific plan, and all applicable county ordinances, including the stormwater management and discharge ordinance (Chapter 13.08 of the general ordinance code) and the zoning ordinance (Title 17 of the general ordinance code).

(Prior gen. code § 7-110.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.030 Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this chapter, they shall have the meaning ascribed to them in this section:

"Agricultural operation" means any land related activity for the purpose of cultivating or raising plants, fish, or animals; or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands; and is not surface mining or borrow pit operations, nor preparation for construction or construction of any structure for human occupancy.

"Authorized enforcement officer" means the director of public works, or his/her designated representative. See Section 15.36.710 of this chapter.

"Bedrock" means the relatively solid undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium, or soil.

"Bench" means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

"Certified engineering geologist (CEG); see "Engineering geologist."

"Civil engineer" means a professional engineer registered as a civil engineer by the state.

"Compaction" means the increase of density of a soil or rock fill by mechanical means.

"Construction general permit" means the current version of the general permit for discharges of storm water associated with construction activity, as issued by the state of California Water Resources Control Board.

"County stormdrain system" means any facilities owned and maintained by the county or the "district," or under the jurisdiction of the county, by which stormwater is conveyed to the waters of the United States.

"Creek" means any conduit, channel, swale, or other facility or topographic feature through which stormwater runoff and/or riverine or estuarine water flows continuously or intermittently in a definite direction and course, or that is used for the holding, delay, or storage of such runoff or water. See "flood control facilities" and "watercourse."

"Cut;" see "excavation."

"Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

"Depth of excavation" (cut) means the vertical dimension from the exposed cut surface to the original ground surface.

"Director of public works" is the Director of Public Works of Alameda County, acting either directly or through his/her authorized deputies.

"District" means the Alameda County Flood Control and Water Conservation District. See "Zone 7."

"District permit ordinance" means Ordinance 0-2000-37 of the district, and any amendments or revisions thereto.

"Embankment;" see "fill."

"Encroachment permit" means a written permit authorizing certain work within a publicly maintained roadway or flood control right-of-way.

"Engineering geologist" means a registered geologist certified as an engineering geologist by the state.

"Engineering geology" means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away and transporting of earth material as a result of the movement of wind, water or ice.

"Excavation" (cut) means the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.

"Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

"Expansive soil" means any soil that exhibits significant expansive properties as determined by a geotechnical engineer, an engineering geologist, or the director of public works. For the purpose of determining whether a geotechnical/geologic investigation is required in order to determine if the existing natural soil on the premises is expansive, "expansive soil" means any soil with a shrink-swell rating of .5 or greater in the NRCS web soil survey; see Section 15.36.320B of this chapter.

"Fill" (embankment) is the deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

"Finish grade" means the final grade of the site after excavating or filling that conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

"Flood control facility" means any access feature, access roadway, bank, conduit, dam, fence, inlet, measurement gauge, outfall, pump, structure, waterway, well or any other appurtenance that is located on property that is under the jurisdiction of the district or that is considered part of the district right-of-way.

"General ordinance code" means the General Ordinance Code of the County of Alameda.

"Geologic hazard" means any condition in naturally occurring earth materials that may endanger life, health or property. Geologic hazards include, but are not limited to: faults; existing or potential landslides, mudslides, or rock falls; weak, expansive, or creeping soil; subsidence; earthquake induced shaking, ground movement, ground failure, or liquefaction; and seiche or tsunami inundation.

"Geologist" means a professional geologist registered as a professional geologist by the state.

"Geotechnical engineer" means a civil engineer registered by the state who is recognized by the state as being qualified in the field of soil mechanics and soil engineering.

"Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof.

"Grading" means any land excavation, or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

"Grading plan" means a plan prepared in accordance with this chapter showing grading and related work.

"Grading work" means grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

"Illicit discharge" means any discharge to the county stormdrain system that is not entirely stormwater or is not exempted by the provisions of Section 13.08.070B of Chapter 13.08 of the general ordinance code.

"Keyway" means a special backfilled excavation that is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

"Landscape architect" means a landscape architect registered by the state.

"Lot;" see "parcel."

"Owner" means the person shown as the legal owner of the property on the latest equalized assessment roll in the office of the county assessor.

"Parcel" (lot) means land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a final map or parcel map on file in the county recorder's office.

"Permit" means either a written grading permit issued pursuant to this chapter authorizing certain grading work, or another permit issued pursuant to other applicable permit ordinances of the county, as the context requires.

"Permittee" means any person to whom a permit is issued pursuant to this chapter.

"Person" means any natural person, firm, corporation or public agency whether principal, agent, employee, or otherwise.

"Preliminary grading plan" means a plan that shows the proposed grading work in relation to the existing site prepared and submitted with the application for a grading permit.

"Rainy season" means the period of the year during which there is a substantial risk of rainfall. For the purpose of this chapter, the rainy season is defined as from October 1st to April 30th, inclusive.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan. It is also the subgrade required for construction of a roadway or other paved surface.

"Sediment" is any material transported or deposited by water, including soil and debris or other foreign matter.

"Site" means any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

"Slope" means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

"Soil" means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock that can be excavated readily by mechanical equipment.

"Soil engineer," or "soils engineer;" see "geotechnical engineer."

"Stormwater" means stormwater runoff and surface drainage.

"Stormwater management and discharge control ordinance" means Chapter 13.08 of the general ordinance code.

"Stormwater pollution and prevention plan (SWPPP)" means a formal plan prepared and implemented in accordance with the provisions of the State Water Resources Control Board General Construction Permit, in order to control the pollution of stormwater discharge during construction.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance or other purposes.

"Vehicular way" means a private roadway or driveway.

"Watercourse;" see Section 13.12.030 of Chapter 13.12 of the general ordinance code.

"Watercourse protection ordinance" means Chapter 13.12 of the general ordinance code.

"Work;" see "grading work."

"Zone 7" means the Zone 7 Water Agency.

(Prior gen. code § 7-100.2)

(Ord. No. 2010-19, § 1, 5-4-10)

### Article II General Requirements

15.36.040 Grading permit required.

Except for the specific exceptions listed hereinafter, no person shall do or permit to be done any grading on any site in the unincorporated area of this county without a valid permit obtained from the director of public works.

(Prior gen. code § 7-111.0)

15.36.050 Exemptions.

The following grading may be done without obtaining a permit:

A. An excavation that removes less than one hundred fifty (150) cubic yards of material and that complies with one of the following conditions:

1. Is less than two feet in depth below natural grade; or

2. Will not create a cut slope that is unstable, potentially erodible to the extent of causing an illicit discharge, more than five feet in height (as measured vertically), and steeper than two units horizontal to one unit vertical (fifty (50) percent slope).

B. A fill that is not intended to support a structure, will not obstruct a drainage course, is not located within a floodplain (as defined in Chapter 15.40 of this title), will not create a surface that is unstable or that would be potentially erodible to the extent of causing an illicit discharge, and that complies with one of the following conditions:

1. Less than two feet in depth and is placed on natural terrain that is sloped less than five units horizontal to one unit vertical (twenty (20) percent slope); or

2. Less than three feet in depth at its deepest point (as measured vertically), creates a stable fill slope no steeper than two units horizontal to one unit vertical (fifty (50) percent slope), and is less than one hundred fifty (150) cubic yards of material; or

3. Less than five feet in depth at its deepest point (as measured vertically), creates a fill slope no steeper than two units horizontal to one unit vertical (fifty (50) percent slope), and is less than fifty (50) cubic yards of material;

C. Grading done by or under the supervision or construction control of a public agency, including the county, that assumes full responsibility for the work in conformance with the design and documentation provisions of this chapter;

D. Excavations and fills in connection with the construction of building foundations, building crawl spaces, building basements, swimming pools, retaining walls, or other structures subject to regulation by the county building ordinance (Chapter 15.08 of this title);

E. Excavations and fills in connection with the construction of vegetated swales, bioretention basins, detention basins, or other stormwater protection facilities subject to regulation by the county stormwater management and discharge control ordinance (Chapter 13.08 of the general ordinance code);

F. Any of the following activities conducted on property that is zoned as agricultural in accordance with the provisions of Title 17 of the general ordinance code, provided that any such activity will not result in a cut or fill the failure of which could endanger any structure intended for human or animal occupancy or any public or shared access roadway, or that could obstruct, damage, or cause an illicit discharge to any watercourse or other drainage facility, and provided that such activity is being performed in accordance with all applicable laws, regulations, and ordinances of the county:

1. Grading associated with agricultural operations;

2. The temporary stockpiling of soil or other material; or

3. Grading associated with private recreational use, such as the construction or maintenance of dirt bike or equestrian trails.

G. Trenching and grading incidental to the construction or installation of approved underground pipe lines, on-site wastewater treatment systems, conduits, electrical or communication facilities, and drilling or excavation for approved wells or post holes, except that the installation of stormdrain facilities such as field inlets, conductors, and temporary outfall structures associated with the required protection of rough grading cuts and fills or subgrades may be considered grading work, subject to the permit requirements of this chapter. Any exempted trenching shall be backfilled and the surface restored to its original condition, including reseeding or otherwise restoring vegetation on all disturbed earth surfaces if slopes exceed two percent, as soon as possible after such utility installation work is completed;

H. Excavations for soil or geological investigations by a geotechnical engineer, geologist, or engineering geologist. Such work shall be backfilled and shaped to the original contour of the land under the direction of the geotechnical engineer, geologist, or engineering geologist as soon as possible after the investigation;

I. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill;

J. Maintenance of existing firebreaks and private roadways to keep the firebreak or roadway substantially in its original condition;

K. Routine cemetery excavations and fills;

L. Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the director of public works promptly of the problem and work required and shall apply for a permit therefor within ten (10) calendar days after commencing said work.

Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter or any other laws, regulations, or ordinances of the county, including the requirement to obtain a building, electrical, plumbing, mechanical, stormwater, or well permit whenever so required under the provisions of the applicable permit ordinance.

(Prior gen. code § 7-111.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.060 Discharge and erosion.

Notwithstanding the exemptions listed in Section 15.36.050 of this chapter, no person shall do or allow to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise discharged into a watercourse, a flood control facility, or other drainage system by the forces of nature, or could be so washed, eroded, or discharged onto, within, or from the site.

(Prior gen. code § 7-111.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.070 Obstruction of stormwater.

No person shall do or allow to be done any grading that obstructs, impedes, or interferes with the natural flow of stormwater, or could so obstruct, impede, or interfere, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition, cause accelerated erosion, or result in an illicit discharge, except where said grading is in accordance with all applicable laws, ordinances, and regulations of the county, including but not limited to the requirement to obtain a permit or permits where so specified.

(Prior gen. code § 7-111.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.080 Safeguarding of watercourses and flood control facilities.

Any proposed grading work that could impinge upon, restrict access to, or result in the discharging of stormwater or the depositing of soil or other material into or the modification of the flow of a watercourse or a flood control facility may, at the discretion of the director of public works, require a separate permit issued by the director under the provisions of the county watercourse protection ordinance or the district permit ordinance. Any grading associated with the construction of landscaped-based stormwater control facilities intended to control the discharge of stormwater into the watercourses or flood control facilities must be authorized by a separate permit issued under the provisions of the county stormwater management and discharge control ordinance.

(Prior gen. code § 7-111.4)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.090 Levee work.

No person shall excavate or remove any material from or otherwise alter any levee maintained by the county or the district without the prior approval of the director of public works.

(Prior gen. code § 7-111.5)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.100 Construction in public rights-of-way and on district property.

Any grading within the right-of-way of a public roadway must be authorized by an encroachment permit issued by the director of public works or by the State Department of Transportation (CalTrans), as applicable. Any grading on district property must be authorized by an encroachment permit issued by the director of public works or by Zone 7, as applicable.

(Prior gen. code § 7-111.6)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.110 Hazards.

Notwithstanding the provisions of Section 15.36.050 of this chapter, whenever the director of public works determines that any grading on private property constitutes a condition that is a hazard to public safety, endangers that property, adversely affects the safety, use or stability of adjacent property, or an overhead or underground utility, or a public roadway, watercourse, or flood control facility, or could cause an illicit discharge, the owner of the property upon which the condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the director of public works shall, within the period specified therein, abate such condition and render the grading in conformance with the requirements of this chapter. The director of public works may require the submission of plans or soil or geological reports, detailed construction recommendations, or other engineering data prior to and in connection with any corrective or proposed work or activity, and shall have the authority to require that the said person or agent obtain a remedial permit or permits in accordance with the provisions of this chapter.

(Prior gen. code § 7-111.7)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.120 Not retroactive.

This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained and said permit bears a date prior to the effective date of this chapter.

(Prior gen. code § 7-111.8)

15.36.130 Administration.

This chapter shall be administered for this county by the county flood control and water conservation district.

(Prior gen. code § 7-111.9)

### Article III Procedures

15.36.140 Filing.

Applications for permits shall be filed with the director of public works on forms furnished by his/her office. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans, a preliminary pollution plan, and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site at one time. The director of public works shall determine whether the application is complete in accordance with provisions of Article IV herein and may require additional information from the applicant before accepting the application as complete.

(Prior gen. code § 7-112.0)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.150 Compliance with CEQA and other environmental reviews.

The California Environmental Quality Act (CEQA) and other environmental review requirements may require the preparation and review of environmental documents concerning a proposed grading project. In such event, this county, acting through the Community Development Agency (CDA), will be a responsible agency or may function as the lead agency.

(Prior gen. code § 7-112.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.160 Referral to other public agencies.

A. The director of public works shall refer those permit applications falling within the following categories to the listed county or other public agencies for approval prior to issuance of the permit:

1. Any proposal for grading work associated with a development that is subject to the provisions of Title 16 or Title 17 of the general ordinance code shall be referred to the community development agency (CDA).

2. Any proposal for grading work associated with the construction or reconstruction of a fire access roadway or a fire break shall be referred to the responsible fire protection agency.

3. Any proposal for grading work associated with a development that involves the construction or reconstruction of an on-site wastewater disposal system shall be referred to the department of environmental health of the health care services agency.

4. Any proposal for grading work that will disturb more than one acre of soil or that is associated with a larger common plan of development that will disturb more than one acre shall be referred to the regional water quality control board for review of a storm water pollution prevention plan (SWPPP).

B. The director may refer an application to other interested public agencies for their recommendations.

(Prior gen. code § 7-112.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.170 Permit conditions.

A. No permit shall be granted until the director of public works verifies compliance with the provisions of Section 15.36.160 of this chapter.

B. The permit shall be limited to the grading work shown on the grading plans as approved by the director of public works. In granting a permit, the director of public works may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a nuisance or hazard to public or private property, and to assure proper completion of the grading, including but not limited to:

1. Mitigation of adverse environmental impacts;

2. Improvement of any existing grading to comply with the standards of this chapter;

3. Requirements for fencing or other protection of grading that would otherwise be hazardous;

4. Requirements for dust, pollution prevention, and noise control, hours of operation and season of work, weather conditions, sequence of work, access roadways, and haul routes;

5. Requirements for safeguarding watercourses and flood control facilities from excessive deposition of sediment or debris in quantities exceeding natural levels, and from illicit discharges, including those protective measures specified by the pollution prevention plan;

6. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced.

7. Assurance that the proposed grading work will not damage adjacent properties, including any adjacent public rights-of-way or district property, or obstruct access thereto.

8. Assurance that the proposed grading will be compatible with all other approved developments on the property, including the construction of landscaped-based stormwater treatment and detention facilities, on-site stormdrain systems, on-site wastewater disposal fields, etc.

(Prior gen. code § 7-112.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.180 Permission of other agencies or owners.

A. No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the county, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee.

B. The director of public works shall be responsible for verifying that any applicant requesting a grading permit that would result in the disturbance of one or more acres of land has filed a notice of intent with the state under the provisions of the state construction general permit.

(Prior gen. code § 7-112.4)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.190 Location of property lines.

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or resolution of title all at the expense of the applicant may be required by the director of public works.

(Prior gen. code § 7-112.5)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.200 Time limits.

A. The permittee shall perform and complete all the work required by the permit within the time limit specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time, setting forth the reasons for the requested extension, shall be presented in writing to the director of public works no later than thirty (30) days prior to the expiration of the permit. The director of public works may grant additional time for the work by amending the permit to extend the expiration date.

B. If all the permit work required is not completed within the time limit specified in subsection A of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the director of public works who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in county regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the director of public works for review, and any costs thereof shall be at the applicant's expense.

C. In the event that a request for extension as described in subsection A of this section or a request for renewal as described in subsection B of this section may result in the performance of grading work in the rainy season where such rainy season work was not previously authorized, the director of public works shall have the authority to require the submittal of detailed erosion and sedimentation control plans as a prerequisite to any such extension or renewal.

(Prior gen. code § 7-112.6)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.210 Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations; and shall not prevent the director of public works from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this chapter, or any other applicable law, ordinance, rule or regulation.

(Prior gen. code § 7-112.7)

15.36.220 Appeals.

Any person aggrieved by the decisions described in Section 15.36.300 or Section 15.36.760 of this chapter, or other decision made pursuant to this chapter except for the levying of administrative fines, may appeal that decision within ten (10) working days following the effective date of that decision, by requesting a review in a written letter addressed to the Director of Public Works at 399 Elmhurst St., Hayward, CA 94544. Upon the receipt of such a request, the director shall request a staff report and recommendations and shall schedule a hearing on the matter at the earliest practical date. At that hearing, the director may hear additional evidence, and may reject, affirm, or modify the earlier decision. The decision of the director at the hearing may be appealed to the board of supervisors by submitting a written statement, setting forth the grounds for the appeal of the director's decision, addressed to Clerk of the Board of Supervisors at 1221 Oak St., Ste. 536, Oakland, CA 94612. Such appeal to the board must be received by the clerk of the board within ten (10) working days of the date of the final agency decision by the director. The director of public works may designate a public works employee to conduct the hearing. Upon receipt of the appeal, the board shall take one of the following actions:

A. Affirm the action of the director without further hearing or review;

B. Refer the matter back to the director for further review, with or without instructions; or

C. Set the matter for a public hearing before the board, in which case the board shall set a time and place for the said hearing and shall provide notice to the person filing the appeal at least five days prior to the date set for the hearing.

In the event of an appeal to the board, the board shall render its decision without consideration of any argument or evidence of any kind other than the record provided by the director, unless the board is itself conducting a public hearing on the matter. The decision of the board shall be final.

(Prior gen. code § 7-112.8)

(Ord. No. 2010-19, § 1, 5-4-10)

### Article IV Plans and Specifications

15.36.230 Application—Plans.

Two or more complete sets of plans, as determined by the director of public works, including but not limited to profiles, cross sections, topographic maps and specifications shall be submitted to the director of public works with each application for a grading permit, or when otherwise required by the director of public works for enforcement of any provisions of this chapter. At the time of application, the applicant may provide preliminary grading plans. Prior to the issuance of a grading permit the applicant must furnish final grading plans. Preliminary grading plans with appropriate changes and additions thereto may be accepted as final grading plans. When the final grading plans and other required documents, including a final pollution prevention plan, have been approved, a grading permit will be issued by the director of public works. The work shall be done in strict compliance with the approved plans and specifications which shall not be changed or altered except in accordance with the provisions of this article.

(Prior gen. code § 7-113.0)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.240 Preliminary grading plans.

Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit. Precise design at this stage is not required. The plans shall be clearly and legibly drawn and entitled "preliminary grading plans," shall contain a statement of the purpose of the proposed grading, and shall include the following, unless waived by the director of public works:

A. On a map of appropriate scale, but not smaller than one inch equals one hundred (100) feet:

1. A plan entitled "preliminary grading plan" and the name and signature of preparer and date of preparation,

2. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roadways, lakes, watercourses, and flood control facilities in the area,

3. A site plan indicating the site of the work and any proposed divisions of land,

4. The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned,

5. The location of all existing and proposed roadwayss, buildings, wells, pipelines, watercourses, flood control facilities, bridges, on-site wastewater treatment systems, stormwater treatment and detention facilities, and other structures, facilities, and features of the site, and the location of all improvements on adjacent land within fifty (50) feet of the proposed work,

6. Location and nature of known or suspected soil or geologic hazard areas, including earthquake fault zone and seismic hazard boundaries as depicted on the maps published by the California Geologic Survey,

7. Contour lines of the existing terrain and proposed approximate finished grade at intervals not greater than five feet, showing all topographic features and drainage patterns throughout the area where proposed grading is to occur. The contour lines shall be extended to a minimum of fifty (50) feet beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future roadway rights-of-way,

8. Approximate location of cut and fill lines and the limits of grading for all the proposed grading work including borrow and stockpile areas. A written description of offsite locations of said areas will suffice,

9. Location, width, direction of flow and approximate location of tops and toes of banks of any watercourses and open-channel flood control facilities, along with any associated riparian habitat zones,

10. The boundaries of any floodplains, as designated in accordance with the provisions of Chapter 15.40 of this title,

11. Proposed provisions for stormwater drainage control in the vicinity of the grading,

12. A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading. This requirement may be waived by the director of public works for sites having no slopes greater than five percent unless the large size of the site, its proximity to sensitive areas or other conditions make an erosion or sediment discharge hazard possible,

13. North arrow and scale,

14. General location and character of vegetation covering the site and the locations of trees with a trunk diameter of twelve (12) inches or more, measured at a point three feet above average ground level, within the area to be disturbed by the proposed grading. The plans shall indicate which trees are proposed to remain and how they are to be protected;

B. Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills;

C. An estimate of the quantities of excavation and fill, including quantities to be moved both on- and off-site;

D. The estimated starting and completion dates of grading;

E. Such supplemental information as required for processing and approval of the design concept and the application as required by the director of public works.

(Prior gen. code § 7-113.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.250 Final grading plans—Engineer required.

Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets at least twenty-four (24) inches by thirty-six (36) inches. The plans shall include the following, in addition to all requirements for preliminary grading plans, unless waived by the director of public works:

A. A Title Block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared;

B. Accurate contour lines at intervals not greater than five feet, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on-site;

C. Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;

D. Cross sections, profiles, elevations, dimensions and construction details based on accurate field data;

E. Construction details for roadways, driveways, watercourses, culverts, and drainage devices, retaining walls, cribbing, dams, and other improvements to be constructed as part of the permit, together with supporting calculations and maps as required;

F. Complete construction specifications;

G. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities, when required by the director of public works;

H. A landscaping plan, when required by the director of public works, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities;

I. An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage;

J. The locations of any borrow site and any site intended for disposal of surplus material;

K. A projected schedule of operations, including, as a minimum, the dates of:

1. Commencement of work,

2. Start and finish of rough grading,

3. Completion of drainage facilities,

4. Completion of work in any watercourse or flood control facility,

5. Completion of erosion and sediment control facilities,

6. Completion of hydromulching and other landscaping.

If rough grading is proposed between October 1st and April 15th, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;

L. Itemized cost estimate of the proposed grading and related work;

M. Reference callouts, as necessary, for other proposed improvements, including buildings, structures, walls, bridges, on-site wastewater treatment facilities, stormwater treatment and detention facilities, fire hydrants, landscaping, pavement, etc.

N. Other information as may be required by the director of public works.

(Prior gen. code § 7-113.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.260 Final grading plans—Engineer not required.

All plans and specifications shall be prepared and signed by a civil engineer except that the director of public works may waive this requirement if the grading is minor in nature; would not endanger the public health, safety or welfare as determined by the director of public works; and would not involve or require any of the following:

A. Cuts and fills with a combined total of one thousand five hundred (1,500) cubic yards or more;

B. An access road serving three or more existing or potential residences;

C. A cut or fill that is intended to support structures;

D. A cut or fill that is located so as to cause unduly increased pressure upon or reduced support of any adjacent structure or property;

E. The construction of any extensive drainage or sediment control structures, culverts, or facilities or alteration of any existing drainage course;

F. The creation or aggravation of an unstable slope condition.

G. The construction of significant improvements, such as large retaining walls or major landscaped-based stormwater treatment facilities, that are authorized by other permits but that could affect the final grading design.

(Prior gen. code § 7-113.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.270 Modification of approved plans.

A. Proposed modifications of an approved final plan shall be submitted to the director of public works for his written approval.

B. All necessary soils and geological information and design details shall accompany any proposed modification.

C. The modification shall be compatible with any subdivision map or land use requirements.

(Prior gen. code § 7-113.4)

15.36.280 Seasonal requirements.

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval.

(Prior gen. code § 7-113.5)

15.36.290 Distribution and use of approved plans.

Two sets of approved plans and specifications shall be retained by the director of public works and one or more sets of approved and dated plans and specifications shall be provided to the applicant or his engineer. One set of approved plans and permit shall be retained on the site at all times during the work.

(Prior gen. code § 7-113.6)

### Article V Permit Requirements

15.36.300 General.

The director of public works may deny the issuance of a grading permit if final grading plans fail to satisfy the provisions of this chapter or any of the conditions imposed. The director of public works shall identify the provisions, requirement or condition which has not been met or performed by the applicant.

(Prior gen. code § 7-114.0)

15.36.310 Permit fees.

A. The schedule of permit fees and costs shall be those established and adopted by the board from time to time by resolution. Before a permit is issued, the applicant shall deposit with the director of public works cash or equivalent, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction, all in accordance with the said schedule.

B. No application fee shall be required of public agencies or public utilities.

C. Public or private utilities may, at the option of the director of public works, make payment for the above charges as billed by the director of public works instead of by advance deposit as required above.

D. If, upon completion of any work under a permit there remains any excess of deposit or of fees or charges, the director of public works shall certify the same to the auditor for refund to the permittee or refund the same from any trust fund established under his jurisdiction for such purposes.

E. If, upon completion of any work under a permit there is an insufficient deposit to cover the cost of the work, the director of public works may require the permittee to reimburse the amount equal to the cost deficit.

F. If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, the director of public works shall have the authority to charge remedial fees in accordance with the provisions of Section 15.36.674 of this chapter.

(Prior gen. code § 7-114.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.320 Geotechnical/geologic investigation required.

A geotechnical (soil) or geologic investigation report shall accompany the permit application in any of the following circumstances:

A. When the proposed grading includes a cut or fill exceeding five feet in depth at any point and the slope of the natural ground within thirty (30) feet of the cut or fill exceeds ten (10) percent; however, for vehicular ways, a geotechnical/geologic investigation shall not be required unless the grading includes a proposed cut or fill that exceeds ten (10) feet in depth;

B. When the shrink-swell rating of the soil in the area of the proposed grading work is greater than .5, as shown in the "building site development" ratings in the "web soil survey soil data explorer" interactive maps published by the United States Department of Agriculture Natural Resources Conservation Service as of April 2010 at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx, or when there are other reasons to suspect that highly expansive soils are present;

C. When the property is located within an earthquake fault zone or a seismic hazard zone, as delineated on the official maps published for that purpose by the California Geologic Survey, or when such hazards are otherwise known or suspected on the site.

The director may require additional or supplemental geotechnical/geologic investigations and reports in conjunction with the design and construction of other structures and facilities subject to separate permits, such as foundations, on-site wastewater treatment systems, stormwater infiltration devices, etc.

(Prior gen. code § 7-114.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.330 Geotechnical/geologic investigations.

Those portions of the geotechnical/geologic investigation, as described in Section 15.36.320 of this chapter, that constitute "civil engineering" as defined by Section 6731 of the Business and Professions Code of the state shall be conducted by a geotechnical engineer. Those portions of the investigation that involve the practice of "geology" as defined by Section 7802 of the Business and Professions Code of the state shall be conducted by an engineering geologist or geologist.

The investigations shall be based on observation and tests of the material exposed by exploratory borings or excavations, and other inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability, percolation rates, groundwater levels, and other factors.

(Prior gen. code § 7-114.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.340 Geotechnical/geologic reports—General.

Any geotechnical/geologic investigation report shall be subject to the approval of, and supplemental reports and data may be required by, the director of public works. Recommendations included in the reports and approved by the director of public works shall be incorporated in the final plans and specifications.

(Prior gen. code § 7-114.4)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.350 Geotechnical/geologic investigation report.

The geotechnical/geologic investigation report shall contain all of the following as they may be applicable to the subject site:

A. An index map showing the regional setting of the site;

B. A site map showing the topographic features of the site and locations of all soil borings and test excavations;

C. A classification of the soil types (unified soil classification); pertinent laboratory test data; and consequent evaluation regarding the nature, distribution and strength of existing soils;

D. A description of the geology of the site and the geology of the adjacent areas when pertinent to the site;

E. A suitably scaled map and cross sections showing all identified areas of land slippage;

F. A description of any encountered groundwater or excessive moisture conditions;

G. A description of the soil and geological investigative techniques employed;

H. A log for each soil boring and test excavation showing elevation at ground level and depth of each soil or rock strata;

I. An evaluation of the stability of pertinent natural slopes and any proposed cut and fill slopes;

J. An evaluation of settlement associated with the placement of any fill;

K. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;

L. Recommendations regarding drainage and erosion control;

M. Recommendations for mitigation of geologic hazards;

N. Recommendations for the design of any associated stormwater treatment/detention systems, particularly those systems that are intended to provide treatment by means of infiltration.

(Prior gen. code § 7-114.5)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.360 Final report.

Upon completion of rough grading work, the director of public works may require a final geotechnical/geologic report that includes, but is not necessarily limited to the following:

A. A complete record of all field and laboratory tests including location and elevation of all field tests;

B. A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information;

C. Recommendations regarding foundation design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes;

D. A declaration by the geotechnical engineer, engineering geologist, or geologist in the format required by the director of public works that all work was done in substantial accordance with the recommendations contained in the geotechnical geologic investigation reports as approved and in accordance with the approved plans and specifications.

(Prior gen. code § 7-114.6)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.370 Changed conditions.

Where geotechnical or geologic conditions encountered in the grading operation deviate from that anticipated in the geotechnical/geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original investigation, a revised geotechnical/geologic report shall be submitted for the approval of the director of public works.

(Prior gen. code § 7-114.7)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.380 Special inspection.

A. The director of public works may require the permittee to provide a private geotechnical engineer, geologist, or engineering geologist, as appropriate, to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he/she has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his/her own contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a geotechnical engineer, geologist, or engineering geologist shall include but not be limited to the following situations:

1. During the preparation of a site for the placement of fills which exceed five feet in depth on slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular accessways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height;

2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure;

3. During the installation of subsurface drainage facilities;

4. Such other inspections as may be required by the director of public works.

B. Reports filed by the private geotechnical engineer, geologist, or engineering geologist regarding special inspection shall state in writing that from his/her personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

C. The use of a private geotechnical engineer, geologist, or engineering geologist for inspections shall not preclude the director of public works from conducting inspections using his or other authorized inspectors as may be necessary.

(Prior gen. code § 7-114.8)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.390 Noncompliance notification by private geotechnical engineer, geologist, or engineering geologist.

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer, geologist, or engineering geologist finds that the work is not being done substantially in accordance with the approved plans and specifications, he/she shall immediately notify the person in charge of the work and the director of public works of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he/she shall prepare such proposed changes and submit them to the director of public works for approval.

(Prior gen. code § 7-114.9)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.400 Period progress reports by private geotechnical engineer, geologist, or engineering geologist.

Periodic progress reports shall be rendered by the private geotechnical engineer, geologist, or engineering geologist as required by the director of public works including, but not limited to laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.

(Prior gen. code § 7-114.10)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.410 Progress report by permittee.

Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the director of public works in the permit.

(Prior gen. code § 7-114.11)

15.36.420 Submit "as-built" plan.

Permittee shall submit to the director of public works an "as-built" grading plan following completion of grading operations.

(Prior gen. code § 7-114.12)

15.36.430 Performance of work—Inspection.

The director of public works may inspect any work done pursuant to a permit under this chapter. In addition, inspections by a private geotechnical engineer, geologist, or engineering geologist may be required in accordance with the provisions of Section 15.36.380 of this chapter.

The director of public works will determine the scope of the necessary inspections on a case-by-case basis, but the following inspection points are typical:

A. Preconstruction meeting with permittee and all project consultants, including the special inspector if applicable.

B. Pre-fill. The site has been cleared and grubbed, undocumented fill has been removed, and any required benches or keyways are cut and ready for fill.

C. Rough grading. Roadway subgrades, drainage swales, and slope terraces are constructed; approximate final elevations are established; and drainage systems sufficient to protect the building sites are installed.

D. Final. Grading is complete. Drainage systems, including any required stormwater protection facilities, are installed.

The director of public works may require reinspections at any point if he/she determines that the grading work is either not ready for inspection or is being performed in violation of this chapter; see Section 15.36.674 of this chapter for possible penalties associated with failed inspections. The director of public works shall also have the authority to inspect grading work that has been or is being performed without a permit in order to determine the extent of possible remediation, including the imposition of penalties per Section 15.36.674.

The director of public works shall have the authority to oversee, inspect, and require compliance with the pollution prevention plan throughout the period of any permit.

No permittee shall be deemed to have complied with this chapter until the final inspection of the work has been made by the director of public works and he/she has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit, and when required, a final geotechnical/geologic report and as-built plans have been filed with the director of public works.

The permittee shall provide adequate access to the site for inspection by the director of public works during the performance of all work and for a minimum period of one year after acceptance by the director of public works of all improvements pursuant to Section 15.36.660B and C of this chapter.

(Prior gen. code § 7-114.13)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.440 Other responsibilities of permittee.

The permittee shall also be responsible for the following:

A. Protection of Utilities. The permittee shall be responsible for the prevention of damage to any public or private utilities or services.

B. Protection of Adjacent Property. The person doing or causing the grading is responsible for the prevention of damage to adjacent property. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public roadway right-of-way, district property, or other public or private property, without supporting and protecting such property from damage that might result.

C. Advance Notice. The permittee shall notify the director of public works at least twenty-four (24) hours prior to the start of work.

D. Construction Site Control. It shall be the responsibility of the permittee to implement seasonally appropriate best management practices for the control of erosion, the control of stormwater run-on and runoff, the control of sediment, good site management, the control of non-stormwater discharges from the site, and where necessary, active treatment of discharges, all in accordance with a pollution prevention plan and with an erosion and sediment control plan approved by the director of public works.

(Prior gen. code § 7-114.14)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.450 Transfer of permit.

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, voluntarily or by operation of law, without the express consent of the director of public works.

(Prior gen. code § 7-114.15)

### Article VI Design Standards

15.36.460 Excavation.

Excavations shall be constructed or protected so that they do not endanger life or property.

(Prior gen. code § 7-115.0)

15.36.470 Excavation slope.

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes may be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. The director of public works may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if necessary for stability and safety. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

(Prior gen. code § 7-115.1)

15.36.480 Fill placement.

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches. Completed fills shall be stable masses of well integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans.

Proper drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than six inches.

(Prior gen. code § 7-115.2)

15.36.490 Fill compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by appropriate ASTM standard method or other alternate methods approved by the director of public works. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two foot vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten (10) foot vertical increase of slope height. Additional tests may be required throughout the fill as determined by the inspector for the director of public works. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety (90) percent of maximum density, as determined by the above test, within six inches of the slope surface when such surface material is placed and compacted by a method acceptable to the director of public works for the planting of the slopes. Compaction of temporary storage fills, to be used for a period of not greater than six months, shall not be required, except where the director of public works determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. Where compaction is required, it shall be done as specified by the director of public works.

(Prior gen. code § 7-115.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.500 Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying or undocumented fill, top soil, and other unsuitable material, and where slopes are five horizontal units to one vertical unit or steeper, by benching into competent material in a manner recommended by a geotechnical engineer or an engineering geologist and approved by the director of public works. If a bench or keyway is required under the toe of a fill slope, the said bench or keyway shall be at least ten (10) feet wide, unless otherwise recommended by the geotechnical engineer or engineering geologist.

(Prior gen. code § 7-115.4)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.510 Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. The director of public works may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical or may require such other measures as he deems necessary for stability and safety. Fill slopes shall be rounded into existing terrain to produce a contoured transition from fill face to natural ground or to abutting cut or fill surfaces where conditions permit.

(Prior gen. code § 7-115.5)

15.36.520 Adjacent structures protection.

Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Section 832 of the Civil Code of the state.

(Prior gen. code § 7-115.6)

15.36.522 Protection of utilities.

Existing utility service lines and other facilities on the premises shall be protected against settlement and lateral movement as necessary.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.530 Setbacks—General.

Unless otherwise recommended in a geotechnical/geological investigation report, or as otherwise specified by the director of public works, the required setbacks of constructed slopes shall be as follows:

A. The setback of an ascending slope from the face of any building or structure, and the setback of a descending slope from the face of any footing or foundation, shall be in accordance with the requirements of Section 1805.3 of the California Building Code.

B. The setback of an ascending slope from a property line shall be equal to at least one-half the vertical height of the slope, but need not be more than fifteen (15) feet.

C. The setback of a descending slope from a property line shall be equal to at least one-fifth the vertical height of the slope, but need not be more than forty (40) feet.

(Prior gen. code § 7-115.7)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.540 Drainage—General.

The drainage structures and devices required by this chapter shall be designed and constructed in accordance with standards and criteria authorized by the director of public works.

(Prior gen. code § 7-115.8)

15.36.550 Drainage—Disposal requirements.

All drainage facilities shall be designed to carry surface and subsurface waters to the county stormdrain system or other juncture, subject to the approval of the director of public works and in accordance with the approved pollution prevention plan. Drainage areas shall conform to patterns established by the director of public works.

(Prior gen. code § 7-115.9)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.560 Drainage—Water accumulation.

Unless otherwise specified by the director of public works, all areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

(Prior gen. code § 7-115.10)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.570 Drainage protection of adjoining property.

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure.

(Prior gen. code § 7-115.11)

15.36.580 Slope protection.

Terraces at least eight feet in width shall be established at not more than twenty-five (25) feet in height intervals for all cut and fill slopes exceeding thirty (30) feet in height. Where only one terrace is required, it shall be at approximately mid-height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces must be connected by means of down-drains to drainage outlets or other discharge points.

Berms, interceptor drains, swales, or other protective devices shall be installed at the top of cut and fill slopes to protect the face of the slope from erosion caused by surface runoff.

The design of all such terrace drains, swales, ditches, down-drains, outlets, discharge points, berms, and other protective devices shall be subject to approval by the director of public works.

(Prior gen. code § 7-115.12)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.590 Subsurface drainage.

Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

(Prior gen. code § 7-115.13)

15.36.600 Erosion and sediment control.

The following shall apply to the control of erosion and sediment from grading operations:

A. Grading plans shall be designed with long-term erosion and sediment control as a primary consideration.

B. No grading operations shall be conducted during the rainy season except upon a clear demonstration, to the satisfaction of the director of public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. In the event that rainy season grading is planned, the director shall have the authority to require the submittal of detailed erosion and sediment control plans covering each stage of the work.

C. Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.

D. Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment.

E. Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible after the completion of grading or construction activities.

F. Adequate provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation.

G. No topsoil shall be removed from the site unless otherwise directed or approved by the director of public works. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.

H. Long-term post-grading stormwater runoff from the site may be subject to formal erosion and sedimentation control or other discharge controls in accordance with the provisions of Chapter 13.08 of the general ordinance code. In any case, post construction runoff shall not be discharged from the site in quantities or at velocities greater than the pre-grading volume or flow rate except into drainage facilities that are designed and constructed to receive such increased runoff, as approved by the director of public works.

I. Permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public roadways and shall immediately remove such materials if this occurs.

J. The permittee shall ensure that erosion and sediment control best management practices (BMPs) as specified in the pollution prevention plan are applied throughout the project in order to control contamination of stormwater runoff and to capture any soil that is eroded.

(Prior gen. code § 7-115.14)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.610 Emergency conditions.

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control such illicit discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this chapter. Permittee shall take prompt action to resolve emergency problems; in the event that the permittee fails to respond, or the response is deemed inadequate, the director of public works shall have the authority to institute abatement proceedings or to take other enforcement actions in accordance with the provisions of Section 15.36.680 of this chapter.

(Prior gen. code § 7-115.15)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.620 Erosion and sediment control plans.

Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:

A. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets or included in the pollution prevention plan without obscuring the clarity of any of the plans.

B. An erosion and sediment control plan shall be required whenever:

1. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than five percent; or

2. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season; or

3. Grading will occur within the watercourse setback, as defined in Section 13.12.320 of Chapter 13.12 of the general ordinance code; or

4. Grading will occur in proximity to the property line(s) in a location where there is a potential erosion or sediment discharge hazard to the adjacent property; or

5. The applicant is required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the provisions of the State Construction General Permit.

6. The director of public works determines that the grading will or may pose a significant erosion or sediment discharge hazard because of the erosion potential of the particular soil type, the sensitivity of the receiving waterbody, the proximity of the receiving waterbody, the slope of the site, or for any other relevant reason.

C. The applicant shall submit, with his erosion and sediment control plans, a detailed cost estimate covering this work.

D. Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas where grading has been completed between May 1st and September 15th shall be planted by October 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds two thousand five hundred (2,500) square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

E. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development from initial disturbance of the ground to project completion. Permanent post-grading control of erosion and sedimentation may also be required in accordance with the provisions of Chapter 13.08 of the general ordinance code. If grading occurs in distinct phases, or if the site will remain unstable through more than one rainy season, the plan must specifically cover each stage of the development. Plans shall indicate the implementation period and the corresponding state of construction where applicable.

F. Erosion and sediment control plans shall comply with the recommendations of any civil engineer, geotechnical engineer, geologist, engineering geologist, or landscape architect involved in preparation of the grading plans.

G. The structural and hydraulic adequacy of all stormwater containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

H. Erosion and sediment control plans shall be designed with sufficient flexibility to meet unanticipated field conditions.

I. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria.

J. Erosion and sediment control plans shall comply with any and all standards and specifications adopted by the director of public works for the control of erosion and sedimentation on grading sites.

K. Erosion and sediment control plans prepared in conjunction with a formal stormwater pollution prevention plan (SWPPP) shall include detailed cross-reference to each element of the SWPPP, including the planned best management practices (BMP's) and descriptions of the required monitoring programs.

The director of public works may waive the requirement for a formal erosion and sediment control plan if, in his/her opinion, no significant erosion or sediment discharge hazard exists; however, all grading projects shall be required as a minimum to provide site and seasonally relevant erosion and sediment control best management practices (BMPs) as part of the pollution prevention plan required by the provisions of Section 15.36.230 of this Chapter 15.36.

(Prior gen. code § 7-115.16)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.630 Vehicular ways—General.

A. Except as otherwise allowed under the provisions of Section 15.36.640 of this chapter, the grading of vehicular ways shall conform to the general grading requirements of this chapter.

B. All vehicular ways shall be graded in conformance with the slope, width, and turn radii limitations imposed by the county fire department or by the applicable fire district.

(Prior gen. code § 7-115.17)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.640 Vehicular ways—Cut slopes.

The director of public works may approve grading for a vehicular way where an adjacent cut slope is steeper than two horizontal units to one vertical units (fifty (50) percent slope) if all of the following are met:

A. The daylight line of a plane sloping at two horizontal units to one vertical unit from the toe of the said slope is more than twenty (20) feet from any property line and from the face of any building or structure; and

B. The steeper slope is necessary to avoid excessive grading; and

C. The proposed vehicular way and adjacent cut slopes are located outside of any designated landslide hazard zone, or they are deemed safe following a geotechnical/geologic investigation by a geotechnical engineer or an engineering geologist; and

D. If required by the director of public works, the property owner executes and records a hold harmless agreement, in a form approved by the director, relieving the county from any liability for this exception.

(Prior gen. code § 7-115.18)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.650 Vehicular ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that the stormwater runoff from the finished construction will not cause erosion, endanger the stability of any adjacent slope, or damage any buildings, structures, or adjacent property. Moreover, the discharge of runoff from a vehicular way may be subject to the stormwater quality and flow/volume limitations imposed by Chapter 13.08 of the general ordinance code.

(Prior gen. code § 7-115.19)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.652 Floodplains.

Grading work shall not be permitted within any area designated as a floodplain in accordance with the provisions of Chapter 15.40 of this title, except as approved by the director of public works in accordance with the provisions of that chapter.

(Ord. No. 2010-19, § 1, 5-4-10)

### Article VII Improvement Security

15.36.660 Security required.

A. As a condition for the issuance of a permit, the director of public works shall have the authority to require the deposit of an improvement security in an amount deemed necessary by him/her to assure faithful performance of the work or the cost of removing the work or otherwise reconstructing or restoring a site to conditions existing prior to such work, in the event of default by the permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. The said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the permittee and a corporate surety authorized to do business in this state.

B. In the case of subdivisions authorized by a final map, unless otherwise authorized by the director of public works, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the director of public works, and all other requirements of the subdivision contract have been satisfied. For subdivisions authorized by a parcel map, the required effectivity period of the improvement security shall be determined on a case-by-case basis by the director of public works.

C. For projects other than subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work has been accepted by the director of public works.

D. In addition to the improvement security, the director of public works may also require the deposit of a maintenance security in an amount deemed necessary by him/her to guarantee and maintain the grading work, to assure the proper functioning of the drainage systems, and to support the implementation of adequate erosion and sedimentation control. The said maintenance security shall be in the form of cash or a certified or cashier's check, If the director elects to require the said security, he/she shall have the further authority to require that this security remain in effect through the end of the rainy season following the completion of the grading work.

E. Upon satisfaction of the applicable provisions of this chapter, any improvement and maintenance security deposits or bonds submitted in support of the permit will be released or refunded to the permittee by the director of public works. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the director shall determine the scope of work necessary to mitigate any hazardous or unsafe conditions, including illicit discharges from the site, and shall have the authority to cause that work to be done and to collect from the permittee or the surety all costs incurred thereto, including administrative and inspection costs. In the event of such collection, any unused portion of a deposit or bond shall be refunded to the permittee or surety after deduction by the county of the cost of the work.

(Prior gen. code § 7-116.0)

(Ord. No. 2010-19, § 1, 5-4-10)

### Article VIII Enforcement

15.36.670 Suspension and revocation of permit.

The director of public works may suspend or revoke a permit for good cause, subject to appeal in accordance with the provisions of Section 15.36.220 of this chapter. In the event of such appeal, no work shall be performed pending the resolution of the said appeal except as authorized or directed by the director of public works.

(Prior gen. code § 7-117.0)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.672 Violations constituting misdemeanors or administrative penalties.

Unless otherwise specified, the violation of any provision of this chapter, or the failure to comply with any of the mandatory requirements of this chapter, shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the authorized enforcement officer, be charged and prosecuted as an administrative violation in accordance with the provisions of Section 15.36.684 of this chapter or, if appropriate, may be declared a public nuisance and abated in accordance with the provisions of Section 15.36.680 of this chapter. Administrative violations may be subject to an enforcement fee in accordance with the provisions of Section 15.36.684C and/or an administrative penalty or penalties in accordance with the provisions of Section 15.36.674 of this chapter.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.674 Penalty for violation.

A. Misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine or imprisonment.

B. Administrative Violation. A person in administrative violation of this chapter may be subject to the payment of fines and/or fees in accordance with the following schedule, at the discretion of the authorized enforcement officer, except that the authorized enforcement officer shall also have the authority to declare a violation as a hazard, subject to summary abatement in accordance with the provisions of Section 15.36.680 of this chapter; in the event of such a hazard declaration, the fines and/or fees may be levied in addition to the penalties described in Section 15.36.680, at the discretion of the authorized enforcement officer:

|  |  |
| --- | --- |
| Fines and Fees for Administrative Violations | |
| **Unpermitted grading work** | |
| • Investigation fee, per Section 15.36.770: | • $250.00.  The director of public works shall have the authority to waive this fee. |
| • Fine for failure to comply with the directions of the director of public works following his/her investigation. | • $1,000.00.  • Additional $1,000.00 for each failure to comply with subsequent direction of the director of public works, except that following the third overall failure to comply, the director shall have the authority to levy a $1,000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter. |
| • Fee for review of construction plans: | • Actual cost. |
| • Permit fee | • See Section 15.36.310 of this chapter. |
| **Permitted grading work** | |
| • Fine for violating the conditions of a permit: | • $250.00 for initial violation.  • Additional $1,000.00 for each subsequent failed reinspection, except that following the third failed reinspection, the director shall have the authority to levy a $1,000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter. |
| **All grading work (permitted and unpermitted)** | |
| • Fee for administrative hearing per Sections 15.36.220 and 15.36.686 of this chapter: | • $50.00  • The hearing officer shall have the authority to waive this fee. |
| • Fee for processing appeals to the board of supervisors: | • $25.00 |
| • Fee for processing abatement per Section 15.36.680 of this chapter: | See Section 15.36.680. |
| • Fee for other enforcement actions, per Section 15.36.684 of this chapter: | See Section 15.36.684. |
| • Fee for civil proceedings, per Section 15.36.690 of this chapter: | See Section 15.36.690. |

 The director of public works shall notify, in writing, any person subject to the imposition of a fine in accordance with this Section 15.36.674, and, if appropriate, shall provide that person with a reasonable opportunity to correct the violation prior to the levy; any person receiving such a notice may appeal the fine in accordance with the provisions of Section 15.36.686 of this chapter.

Unless otherwise specified by law, the invoice for any fine levied in accordance with this Section 15.36.674 not paid to the county within sixty (60) days of such levy may be sent to county collections for action. In the event that such an invoice is not paid promptly to county collections, the director of public works shall have the authority to place a lien upon and against the property involved in the violation.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.676 Continuing violation.

Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or allowed by such person and verified by the authorized enforcement officer, and may, at the discretion of the officer, be subject to the specified penalties accordingly, except that the officer shall provide any person responsible for a continuing violation with a reasonable period of time to correct, eliminate, or otherwise remedy that violation prior to the imposition of an administrative penalty or penalties, provided that the said violation does not constitute an immediate danger to health or safety.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.678 Concealment.

Causing, allowing, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.680 Violations deemed a public nuisance.

A. In addition to the penalties described in Section 15.36.674 of this chapter, any condition caused or allowed to exist in violation of any of the provisions of this chapter, including any violation of the orders or notices issued pursuant to Section 15.36.684 of this chapter, may be determined by the director of public works to be a threat to the public health, safety, and welfare, and as such, may be declared and deemed by him/her to be a public nuisance, and may be summarily abated and/or restored by any authorized enforcement officer pursuant to the provisions of Chapter 15.28 of this title, including the exception provided by Section 15.28.050E of that chapter wherein the normal notice and hearing requirements for abatements may be waived when the said conditions are determined, by the director, to constitute an immediate hazard to health or property.

B. If any violation of this chapter is determined by the director of public works to constitute a recurrent public nuisance, the director shall so declare. Following any appropriate required notice and hearing pursuant to Chapter 15.28 of this title, thereafter such declared recurrent public nuisance shall be abated in accordance with Chapter 15.28 without the necessity of any further hearing.

C. The county may recover any and all costs and expenses associated with any actions taken pursuant to the provisions of subsections 15.36.680A and 15.36.680B of this chapter, in accordance with the provisions of Chapter 15.28 of this title.

D. In addition to any action taken by the authorized enforcement officer pursuant to subsection 15.36.680A of this chapter, county counsel may initiate an action to abate, enjoin, or otherwise compel the cessation of any condition declared to be a public nuisance by the director of public works. In any civil proceeding under this Section 15.36.680 in which the county prevails, the county shall be awarded all costs of investigation, inspection, monitoring, and/or survey that led to the establishment of the violation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of suit, and reasonable attorney fees.

(Prior gen. code § 7-117.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.682 California Code of Civil Procedure Section 1094.6.

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of the county decisions pursuant to this chapter.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.684 Administrative enforcement powers.

In addition to the other enforcement powers and remedies established by this chapter, an authorized enforcement officer shall have the authority to undertake the following administrative actions:

A. Notice to Appear. When the authorized enforcement officer finds that a violation of this chapter has taken place or is likely to take place, he/she may post a warning notice on the property requiring that the resident or owner appear at the offices of the public works agency to review and resolve that violation.

B. Stop Work Notices. See Section 15.36.730 of this chapter.

C. Enforcement Fees. The cost of enforcement, including the current pay rate of the authorized enforcement officer (including benefits and overhead) to achieve final resolution of any non-compliance of this Section 15.36.684 shall be borne by the owner of the property involved and the cost thereof shall be invoiced to the owner of that property. The payment of these fees shall be in addition to any fines levied in accordance with the provisions of Section 15.36.674 of this chapter, and upon collection shall be deposited into a special fund to be used to offset the costs of possible future abatement of violations of this chapter in accordance with the provisions of Section 15.36.680 of this chapter.

All notices or orders issued by the authorized enforcement officer must state the specific nature of the violation, including a reference to the particular provision of this chapter that is being violated.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.686 Appeals from administrative enforcement fees and fines.

Any person receiving notice of an administrative enforcement fee or fine from an authorized enforcement officer in accordance with the provisions of Section 15.36.674 of this chapter may appeal such action to the director of public works by submitting a letter contesting that fee or fine to the director at the address listed on the notice; however, the letter contesting the fee or fine must be postmarked no later than ten (10) days after the date of the notice of violation. Upon receipt of such a request, the director of public works shall request a report and recommendation from the authorized enforcement officer, and shall set the matter for hearing at the earliest practical date. At such hearing, the director of public works may hear additional evidence, and may reject, affirm, or modify the administrative fee or fine imposed. The director may designate a public works employee to conduct the hearing. The decision of the director of public works, or of his/her designee conducting the hearing shall be final.

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.690 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the county. In any such action, the county may seek, and the court may grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction requiring any person not complying with this chapter to comply forthwith;

B. Assessment of the violator for the costs of any investigation, inspection, monitoring and/or survey that led to the establishment of the violation, including administrative overhead and out-of-pocket expenses, and for the reasonable costs of preparing and bringing legal action under this section, including attorney fees;

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and/or

D. Compensatory damages for loss to or destruction of wildlife habitat, including watercourse riparian corridors.

(Prior gen. code § 7-117.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.700 Nonexclusive remedies.

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of this chapter.

(Prior gen. code § 7-117.3)

### Article IX Additional Provisions

15.36.710 Enforcement officer.

The director of public works shall enforce the provisions of this chapter. In accordance with prescribed procedures, the director of public works may appoint such number of technical officers, inspectors, and other employees as required to perform the tasks described in this chapter. The director shall have the authority to designate such officers, inspectors, or employees as may be necessary to enforce the regulations, requirements, and other provisions of this chapter; officers, inspectors, or employees so designated shall have the authority to impose administrative fines and/or fees in accordance with the provisions of Section 15.36.674B of this chapter.

(Prior gen. code § 7-118.0)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.720 Right of entry.

A. Whenever necessary to make an inspection in conjunction with the enforcement of the provisions of this chapter, or when an authorized enforcement officer has reasonable cause to believe that there exists on the premises any condition that could constitute a violation of this chapter, the officer may enter the premises at all reasonable times to perform the said inspection or any other duty imposed by this chapter, provided that the following conditions are met:

1. If such premises be occupied, the authorized enforcement officer shall first present proper credentials and request entry; and

2. If such premises be unoccupied, the authorized enforcement officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry.

B. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may only be made upon issuance of an inspection warrant pursuant to Code of Civil Procedure, Section 1822.50, by a duly authorized magistrate. In the event that the owner or occupant refuses entry after such request has been made, the authorized enforcement officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Prior gen. code § 7-118.1)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.730 Stop work orders.

A. Whenever any grading work is being done contrary to the provisions of this chapter, an authorized enforcement officer shall have the authority to order the work stopped by serving written notice to that effect on any persons engaged in, doing, or causing such work to be done. If there are no such persons on the premises, the enforcement officer shall post the stop work notice in a conspicuous place thereupon.

B. Any person responsible for the performance of grading work having received a stop work notice from an authorized enforcement officer shall forthwith stop that work and immediately proceed to secure the work site, pending further direction from the enforcement officer. Under no circumstance shall the work be resumed except under the express direction of the enforcement officer.

(Prior gen. code § 7-118.2)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.740 Liability and indemnification.

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed or administrative decisions made by the director of public works in conjunction with a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the county for damage to any person or property.

To the fullest extent permitted by law, any permittee shall indemnify, defend, and hold harmless the county, the district, and their boards, officers, employees, and agents (collectively "indemnitees") from and against all claims, losses, damages, liabilities, or expenses, including reasonable attorney fees incurred in the defense thereof, for the death of or injury to any person or persons (including the permittee's or the county's or district's employees) or damage to any property and/or business loss or economic harm that arises out of or is in any way connected with the issuance of the permit or with grading work performed by permittee or permittee's contractors, consultants, or agents under this permit (collectively "liabilities"). The only exceptions to this duty to indemnify, defend, and hold harmless is for those liabilities caused solely by the negligence or willful misconduct of any indemnitees.

(Prior gen. code § 7-118.3)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.750 Denial of other permits.

No building, electrical, mechanical, plumbing, stormwater, on-site wastewater treatment permit, or any other permit shall be issued by the county to any person for any premises or portion thereof where there is a current violation of this chapter and which violation is not corrected or approved for correction by the director of public works.

(Prior gen. code § 7-118.4)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.760 Notification of pending grading.

A. Upon the filing of an application for a permit where the proposed scope of grading work involves the movement of fifteen hundred (1,500) cubic yards or more of material and the associated project has not been previously subject to notification in accordance with the provisions of Chapter 17.54 of the general ordinance code, the director of public works shall notify by mail the owners of property abutting the site, as shown on the latest equalized assessment roll, that an application for a grading permit has been submitted pursuant to this chapter. A similar notice shall be posted by the director of public works on every public roadway within three hundred (300) feet of the affected property.

B. The notice of pending grading work shall indicate that any person may comment to the director of public works at any stage of the permitting procedure, and that any decision made by the director of public works in conjunction with the review and approval of the application may be appealed by any person in accordance with the provisions of Section 15.36.220 of this chapter.

(Prior gen. code § 7-118.5)

(Ord. No. 2010-19, § 1, 5-4-10)

15.36.770 Investigations of unpermitted work.

The director of public works shall have the authority to issue stop work notices or notices to appear, in accordance with the provisions of Section 15.36.684 of this chapter, following the investigation of reports of grading work being performed or having been performed without a permit. Moreover, the director may collect fees, in accordance with the provisions of Section 15.36.684C, to offset the costs of any such investigation. In the event that the director determines that a permit is required to safely complete the works or to secure the site, the said enforcement fee shall be in addition to the costs of obtaining a permit.

In the event that the director determines that the work at a particular site could require the approval of any other agency having jurisdiction, he/she shall have the authority to issue or post a notice directing the property owner to obtain such approval or release from that agency, and that pending such approval or release, authority to direct that the work be suspended and the site secured.

(Ord. No. 2010-19, § 1, 5-4-10)

## Chapter 15.40 FLOODPLAIN MANAGEMENT[[7]](#footnote-7)

**Sections:**

### Article I. Administration

15.40.010 Title.

The regulations provided in this chapter, in combination with the flood provisions of the Building Standards Code, as adopted and amended in Title 15 of the General Ordinance Code of the County of Alameda (hereinafter "building codes," consisting of the Building Code, Residential Code, Existing Building Code, and related codes) and including Appendix G of the Building Code (hereinafter "Appendix G"), shall be known as the Floodplain Management Regulations of the County of Alameda (hereinafter, "these regulations").

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.020 Purpose.

The purposes of these regulations and the flood load and flood resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

A. Prevent unnecessary disruption of commerce, access, and public service during times of flooding;

B. Manage the alteration of natural floodplains, stream channels, and shorelines;

C. Manage other development that may increase flood damage or erosion potential;

D. Prevent or regulate the construction of flood barriers that will divert floodwaters or that can increase flood hazards; and

E. Contribute to improved construction techniques in the floodplain.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.030 Objectives.

The objectives of these regulations are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the floodplain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.040 Scope.

The provisions of these regulations, in combination with the flood provisions of the building codes shall apply to all proposed development in flood hazard areas established in Article II of these regulations.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.050 Coordination with building codes.

The County of Alameda does hereby acknowledge that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the building codes.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.060 Warning.

The degree of flood protection required by these regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.070 Other laws.

The provisions of these regulations shall not be deemed to nullify any provisions of local, state, or federal law.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.080 Violations.

Any violation of a provision of these regulations, or failure to comply with a permit or variance issued pursuant to these regulations or any requirement of these regulations, shall be handled in accordance with the requirements of Appendix G, as adopted in Chapter 15.08 of the General Ordinance Code of the County of Alameda.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.090 Abrogation and greater restrictions.

These regulations supersede any other provisions of this code in flood hazard areas. However, these regulations are not intended to repeal or abrogate any other existing ordinances, including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

(Ord. No. 2018-53, § 2, 10-2-18)

### Article II. Applicability

15.40.100 General.

These regulations provide minimum requirements for development located in flood hazard areas, including the subdivision of land; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and repair, reconstruction, rehabilitation or additions to new construction; substantial improvement of existing buildings and structures, including restoration after damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the building codes; and other buildings and development activities.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.110 Establishment of flood hazard areas.

The County of Alameda was accepted for participation in the National Flood Insurance Program on April 15, 1981. The Flood Insurance Study for Alameda County, California and Incorporated Areas dated August 3, 2009, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are hereby adopted by reference and serve as the basis for establishing flood hazard areas in the unincorporated area of Alameda County. Maps and studies that establish such flood hazard areas are on file at the Alameda County Public Works Agency, 399 Elmhurst St., Hayward, CA.

(Ord. No. 2018-53, § 2, 10-2-18)

### Article III. Authority and Powers of the Floodplain Administrator

15.40.120 Designation.

The director of public works is designated the floodplain administrator. The floodplain administrator may delegate performance of certain tasks to other employees.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.130 General.

The floodplain administrator is authorized and directed to administer the provisions of these regulations. The floodplain administrator shall have the authority to render interpretations of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.140 Coordination.

The floodplain administrator shall coordinate with the building official to administer and enforce the flood provisions of the building code, including Appendix G.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.150 Tasks.

The floodplain administrator shall be authorized to implement these regulations, including, but not limited to, the performance of the following tasks:

A. Causing building permit applications to be reviewed for a determination of whether proposed development is located in flood hazard areas established in Article II of these regulations.

B. Requiring development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

C. Interpreting flood hazard area boundaries and providing available flood elevation and flood hazard information.

D. Determining whether additional flood hazard data shall be obtained or developed.

E. Establishing, in coordination with the building official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 15.40.170 of these regulations.

F. Reviewing requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Appendix G.

G. Requiring applicants who submit hydrologic and hydraulic engineering analyses in support of applications for development to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if those analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available. The floodplain administrator shall have the authority to require that such submissions, and FEMA's tentative approval of any proposed change to base flood elevations, flood hazard area boundaries, or floodway designations, be a condition of approval of any application for development in a flood hazard area.

H. Requiring applicants who propose alteration of a waterway to notify all agencies and jurisdictions having authority, including the NFIP State Coordinating Agency, and to submit copies of such notifications to FEMA.

I. Notifying the Federal Emergency Management Agency when the boundaries of [the] county have been modified.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.160 Other permits.

It shall be the responsibility of the floodplain administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.170 Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

B. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, and the cost of any other improvements and repairs for which permits were issued by the building official during the period twelve (12) years prior to the receipt of application, to the market value of the building or structure;

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage in accordance with the current FEMA guidelines; and

D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.180 Department records.

In addition to the requirements of the building code and Appendix G, the floodplain administrator shall maintain and keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including flood insurance rate maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of waterways; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for their issuance; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.190 Liability.

The floodplain administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

(Ord. No. 2018-53, § 2, 10-2-18)

### Article IV. Definitions

15.40.200 General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the building codes.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.210 Definitions.

"Alteration of a waterway means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land-disturbing activities.

"Encroachment" means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

"Market value" means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

"Waterway" means a river, creek, stream, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 2018-53, § 2, 10-2-18)

15.40.220 Severability.

If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

(Ord. No. 2018-53, § 2, 10-2-18)

## Chapter 15.44 CUMULATIVE TRAFFIC IMPACT MITIGATION FEES

**Sections:**

15.44.010 Findings and purpose.

New development contributes to cumulative traffic impacts, which are significant, widespread, off-site impacts to the existing system of county maintained roadways that are difficult to measure and mitigate on a project-by-project basis, yet are cumulatively measurable and mitigable. The county has completed a background study (on file with the board of supervisors and the public works agency) that identifies the total cumulative traffic impact of projected new development and the method for determining each individual new development's share of that traffic impact. The purpose of collecting the cumulative traffic impact mitigation (CTIM) fee is to implement the findings of the study, thereby assuring that each new development bears the burden of its individual, incremental share of those roadway improvements needed to offset the cumulative traffic impacts caused by all new development. The revenue generated from this fee shall be allocated to roadway capital improvement projects that are designed to mitigate such cumulative traffic impacts.

(Ord. 2002-59 § 1 (part))

15.44.020 Definitions.

For the purpose of this chapter, "approval authority" means the county department or official identified in Chapters 16.04 and/or 17.54 as having approval authority for a discretionary permit. See "discretionary permit."

"Building official" means the building official of the county.

"Building inspection department (BID)" means the building inspection department of the county.

"Community development agency (CDA)" means the community development agency of the county.

"Cumulative or in-lieu roadway improvement;" see "roadway improvement."

"Director" means the director of the public works agency of the county.

For the purpose of this chapter, "discretionary permit" means any of the various documents described in Chapter 17.54 of the zoning ordinance or Chapter 16.04 of the subdivision ordinance required as a prerequisite to the particular new development.

For the purposes of this chapter, "dwelling unit" means a residential building, or a portion thereof, that is adjudged by the director to be a separate adult living facility with the potential to generate additional motor vehicle trips in the county. It may include complete living facilities, as in the case of an in-law unit, or individual sleeping rooms, as in the case of a congregate residence, but it shall not include individual nursing rooms, as in the case of a care home.

For the purposes of this chapter, "existing development" means a building, or a portion thereof, that is a lawful use under the terms of Title 17 and is adjudged by the director as being a generator of motor vehicle trips, and as such is eligible for a fee credit under the terms of Section 15.44.110. Buildings or portions of buildings that were constructed without a building permit, or constructed with a building permit issued prior to November 1988, or adjudged by CDA to be legal non-conforming, shall be considered as existing development—provided that they comply with the requirements of the first sentence.

"Generator" means a particular occupant of a building, or portion thereof, other than the original occupant or builder, and relates to the projected trip generation rate associated with his usage of that building or portion thereof when that usage is different from that associated with the original construction or occupancy, such as a tenant infill in an unoccupied shell building or a change from an office usage to a retail usage. A "high generator" is such a change in usage that would result in a trip generation rate that is one hundred fifty (150) percent or more than the rate actually charged under the terms of this chapter for the initial building construction permit. A "low generator" is such a change in usage that would result in a trip generation rate that is fifty (50) percent or less than the rate actually charged under the terms of this chapter for the said initial permit.

"Gross square footage (g.s.f.)" means all of the floor area confined by the outside surface of the exterior walls of a building, except for that floor area devoted solely to vehicle parking or circulation.

"New development" means any construction, addition, enlargement, installation, conversion, or renovation of a building that requires the issuance of a building permit, and that has the potential to add to the vehicle load on the county's roadway system.

For the purpose of this chapter, "peak trip" means a projected trip of a motor vehicle to or from the site of the new development, during the peak hour of traffic on the closest public roadway in the period between four and six p.m. on a weekday.

Project-specific roadway improvement;" see "roadway improvement."

For the purpose of this chapter, "roadway improvement" means the planned relocation, extension, repair, replacement, or other modification of any portion of the county-maintained public roadway system that is required to be completed in conjunction with the new development. A "project-specific roadway improvement" is an improvement, or a portion of an improvement, that is designed to allow the traffic load generated by the new development to safely access the county roadway system. A "cumulative or in-lieu roadway improvement" is an improvement, or a portion of an improvement, that is designed to mitigate the cumulative traffic loads in the county, where the cumulative load could include not only the additional cumulative impact of the new development but also the overall cumulative traffic loads.

"Shell building" means a basic building structure, typically of a B, F-2, M, or S-3 occupancy as defined in the California Building Code and falling within the usage categories listed in Section 15.44.080A under this definition, designed and constructed by a developer who intends to lease out parts or all of the building to tenants that are undefined at the time of permit issuance. See "tenant infill."

"Tenant infill" means the process of permitting either the necessary initial modifications to a shell building in order to allow the use of the building or a portion thereof by a tenant, or any subsequent modifications to that building or portion thereof to allow a different usage by the same tenant or a different tenant.

(Ord. 2005-19 § 1; Ord. 2002-59 § 1 (part))

15.44.030 Development subject to the fee.

Except for the exempt categories of new development listed in Section 15.44.040, all new development for which a building permit application has been submitted to BID is subject to the payment of a CTIM fee at the time specified in Section 15.44.060.

(Ord. 2005-19 § 2: Ord. 2002-59 § 1 (part))

15.44.040 Exemptions.

The following categories of new development are exempt from the fee:

A. New development authorized by a building permit issued prior to November 9, 1988, or which had a complete building permit application package on file with BID prior to November 9, 1988;

B. The addition, extension, enlargement, or renovation of a residential building that does not add any dwelling units or any enclosed vehicle parking spaces in excess of two per dwelling unit;

C. The construction, addition, extension, conversion, enlargement, or renovation of a nonresidential building that would result in the assessment of a fee of less than the cost of one peak trip, as listed in Section 15.44.080;

D. New development that has been required by the approval authority to pay a special fee or assessment as a condition of approval of a discretionary permit, if the purpose of the fee as stated in the said approval was to mitigate the cumulative traffic load. CDA shall provide the director with a current list of projects that shall receive this exemption.

(Ord. 2002-59 § 1 (part))

15.44.050 Reduction of fees for developments serving special public needs.

In order to remove impediments to the construction of buildings that could serve special public needs, the board of supervisors may adopt, by resolution, policies, guidelines, and procedures for the reduction or waiver of CTIM fees for new development that provides such facilities.

(Ord. 2002-59 § 1 (part))

15.44.060 Time of fee payment.

A. Except as indicated below and to the extent permitted by law, fees required pursuant to this chapter for all building occupancies other than Group R, Division 3 or Group U, Division 1, as defined in the California Building Code, shall be paid to the director prior to the issuance of building permits for the developments subject to the fees.

B. Fees required pursuant to this chapter for Group R, Division 3 or Group U, Division 1 building occupancies shall be paid to the director prior to the releases, by the building official, of any utility services for the developments subject to the fees. In the event that any such development does not involve new utility services, the CTIM fee shall be due and payable as a condition of the final permit inspection by BID. The building official shall have the authority to release utility services prior to the final permit inspection and payment of the CTIM fee for a Group R, Division 3 occupancy, but only upon the request of the permittee and only if the permittee deposits with the director a security instrument in an amount equivalent to the said fee and in a form acceptable to the director.

(Ord. 2005-19 § 3: Ord. 2002-59 § 1 (part))

15.44.070 Fee liability determination and calculation.

A. Each applicant for a building permit involving new development shall provide the following information to the director as part of the said application:

1. The proposed number and type of all new or converted residential units or the gross square footage and the intended uses of all new or modified non-residential buildings; and

2. The number and type of residential units or the gross square footage and current usage of all non-residential buildings for which a credit is sought under Section 15.44.110; and

3. Any specific trip generation information related to the proposed development.

B. The director shall calculate the CTIM fee charges based upon his evaluation of the information provided in A.1 above. All charges shall be based upon the appropriate fee amount or rate shown in the table in Section 15.44.080. In the event that, in the opinion of the director, the planned usage of the building is not reasonably related to any of the uses described in the table, he shall have the authority to require that the applicant provide additional specific trip generation study data or analyses. Similarly, the director shall calculate any credits against the CTIM fee, based upon the information provided by the applicant and/or other information in the BID and CDA files, and using the calculation methods described above.

C. The director shall notify BID in writing of the amount of the CTIM fee due on each permit application. BID shall transmit this requirement in writing to the permit applicant.

D. All issued building permits for which a CTIM fee is due but not collected at the time of issuance shall have the fee amount clearly indicated on the permit along with a notice stating when the fee must be paid.

(Ord. 2002-59 § 1 (part))

15.44.080 Fee rates and calculation formula.

A. The CTIM fee amounts and rates shall be as follows:

**FEE AMOUNTS AND RATES**

|  |  |  |  |
| --- | --- | --- | --- |
| Land Use | Fee Amount/Rate\* | | |
| **Residential** |  | | |
| Single-family dwelling, 0—2 car garage | $1674 | | |
| Single-family dwelling, 3 or more car garage | $1674 + $465/vehicle space over 2 | | |
| Multifamily dwelling\*\* | $1029/dwelling unit | | |
| Mobile home | $929 | | |
| **Non-residential** |  | | |
| Agricultural | No charge, except buildings intended to be accessible to the public, such as winery sales and tasting facilities or horse riding arenas, shall be charged as follows: | | |
| Publicly accessible horse barns and arenas | $165/stall | | |
| Winery retail sales and tasting facilities | $3.66/g.s.f. | | |
| Unmanned antenna sites | No charge | | |
| Shell buildings, as defined in 15.44.020 | Per the most relevant usage in the following table: | | |
| **Usage** | **$/g.s.f.** |
| General  Office | $4.36 |
| Business  Park | $1.86 |
| Shopping  Center | $6.39 |
| General  Retail | $9.02 |
| Tenant infill, as defined in 15.44.020 | No charge, except when the usage of the said infill is either a "low generator" or a "high generator," as defined in 15.44.020. In such an event, the charge (or refund) shall be the difference between the fee calculated for the infill per the method described under "Other" below and the applicable portion of the "shell building" fee calculated above, except that any such refunds shall only be available to the developer at the time of occupancy by the initial tenant and not for subsequent changes in occupancy. | | |
| Other | Per the most relevant trip generation study from the latest version of the ITE Trip Generation Manual, or per a trip generation study of the specific project, at the "cost per trip"\* shown below. | | |

**COST PER TRIP\***

$1,659.00 per peak trip

**FEE CALCULATION FORMULA:**

1. For those land use categories where the specific fee amount or rate is listed in the "fee amounts and rates" table above, the fee or credit shall be calculated by multiplying the stated amount or rate by the number of units (dwelling units, vehicle spaces, stalls, or g.s.f., as applicable) in the building.

2. For those uses where the amount or rate is not listed, the fee or credit shall be calculated by multiplying the "average vehicle trip ends" determined from the "weekday, peak hour of adjacent street traffic, one hour between four and six p.m." study (or the equivalent) for the most relevant building usage in the ITE manual by the "cost per trip" shown above. The fee amounts, fee rates, and cost per trip shall be that which is in effect on the date the building permit application is deemed complete by the building official.

\*\*Dwelling units must be attached in order to qualify as a multifamily dwelling. Separate, unattached dwelling units on the same property are each considered as a single-family dwelling.

B. On July 1st of each year, the director shall automatically adjust the CTIM fee. This adjustment shall be the increase or decrease in the "Construction Cost, % Chg. Year" of the Engineering News-Record Cost Index for San Francisco, as published in such magazine in the second week of January of the same calendar year, or in an equivalent annual construction cost percentage change index for the Oakland-San Francisco Bay Area for the same time period. Such percentage adjustment shall be applied to each of the fee amounts and rates listed in subsection A of this section.

C. In addition to the adjustment described above, the board of supervisors may adjust the CTIM fee to reflect increased costs or other factors.

(Ord. 2005-19 § 4: Ord. 2003-25 § 1; Ord. 2002-59 § 1 (part))

15.44.090 Benefit area accounts.

Collected cumulative traffic mitigation fees shall be deposited into accounts as follows:

A. The unincorporated area shall be divided into four benefit areas. The boundaries of the benefit areas are shown on Exhibit C, Map of Benefit Areas, on file with the board of supervisors. These benefit areas may be divided into sub-areas with the approval of the board.

B. There shall be a separate account for each benefit area and each sub-area. Seventy (70) percent of the fees collected for each building permit shall be deposited in the account for the benefit area or sub-area within which the project is located.

C. There shall be one countywide account. Thirty (30) percent of the fees collected for each building permit shall be deposited in the countywide account.

D. The benefit area and countywide accounts shall be interest-bearing trust funds administered by the county auditor.

(Ord. 2002-59 § 1 (part))

15.44.100 Use and expenditure of fees.

A. The fees collected under this chapter and all earnings from investment of the fees shall be expended according to a capital improvement program and operating budget adopted by the board of supervisors and shall be used to fund roadway system capital costs directly related to mitigation of the cumulative traffic impact that new development has placed and will continue to place upon the roadway system in the unincorporated areas of the county.

B. The CTIM fee expenditures may include:

1. Design and construction of roadway and intersection improvements;

2. Right-of-way acquisitions associated with the above; and

3. Mitigation of environmental impacts of these projects.

C. The collected fees shall not be expended on the following:

1. Administrative and/or overhead costs related to any of the activities listed in B above or to any other roadway improvement project.

2. Administrative and/or overhead costs associated with collection of the fee.

3. Inspections of the activities listed in B above or any other roadway project.

D. Funds deposited in a benefit area or sub-area account shall be allocated only to projects located within that same benefit area or sub-area.

E. Funds deposited in the countywide account may be allocated to projects at any location in the unincorporated area of the county.

(Ord. 2002-59 § 1 (part))

15.44.110 Fee credits for elimination of existing development.

A. A building permit applicant proposing to demolish or convert an existing development, as defined herein, shall be entitled to a credit against the CTIM fee for a new development on the same site.

B. The amount of credit attributed to a demolished or converted building shall be calculated by the director using the rates and amounts described in Section 15.44.080.

(Ord. 2002-59 § 1 (part))

15.44.120 In-lieu fee credits for construction of improvements.

A. A building permit applicant who has been required by the approval authority to improve existing public roadways as a condition of approval of a new development may be eligible for a credit against the CTIM fee, if the proposed improvements are designed to accommodate cumulative (in-lieu) traffic impacts as well as project-specific improvements.

B. The in-lieu portion of an improvement may consist of changes intended to mitigate the overall cumulative traffic load as well as changes intended to mitigate the direct cumulative impact of the new development. Only the value of this in-lieu portion shall be considered in the determination of the fee credit.

C. The applicant shall be responsible for requesting the in-lieu fee credit at the time of the submittal of his permit application. The director shall have the authority to require that the applicant submit a traffic study and/or a cost estimate in support of the credit request.

D. The final determination of the amount of an in-lieu fee credit shall be made by the approval authority, based on a recommendation from the director. The maximum credit amount shall not exceed the estimated value of the associated in-lieu improvements, nor, except as indicated in F. below, shall it exceed the unadjusted CTIM fee.

E. In the event that the actual cost of construction of the in-lieu improvements is less that the estimated cost, the director shall have the authority to reduce the final fee credits accordingly. In the event that the actual cost of the in-lieu improvements is more than the estimate, any request to increase the final credit must be approved by the board of supervisors.

F. In the event that the calculated amount of the in-lieu credit exceeds the unadjusted CTIM fee, the applicant may request, of the approval authority, that the excess be credited toward the CTIM fee for any subsequent phases of the same development. However, if such a request is granted, the approval authority shall have the authority to limit the time period during which the reserved credit may be applied. Retained credits shall not accrue interest.

(Ord. 2002-59 § 1 (part))

15.44.130 Refunds.

Refunds of unexpended or uncommitted fees required pursuant to law shall be made to the current owner or owners of the property, as shown on the latest equalized assessment roll.

(Ord. 2002-59 § 1 (part))

15.44.140 Enforcement.

A. In case of noncompliance with this chapter, the required CTIM fee shall be recalculated to reflect the fee rates and amounts in effect upon the date of discovery, except that in no case shall the said fee be less than that originally determined by the director.

B. The collection of unpaid CTIM fees shall be enforced as a lien on the property.

(Ord. 2002-59 § 1 (part))

15.44.150 Performance.

Failure of any county official or agency to fulfill the requirements of this chapter shall not excuse any permittee from the payment of any CTIM fees required hereunder.

(Ord. 2002-59 § 1 (part))

## Chapter 15.48 TRI-VALLEY TRANSPORTATION DEVELOPMENT FEE FOR TRAFFIC MITIGATION

**Sections:**

15.48.010 Findings and purpose.

A. There exists in Alameda County a portion of the area within Alameda and Contra Costa Counties referred to as the Tri-Valley Area. The Tri-Valley Area is composed of the Cities of Dublin, Livermore, Pleasanton, and San Ramon, the Town of Danville, and portions of unincorporated Alameda and Contra Costa Counties. This area is forecasted to receive one hundred twenty-three thousand (123,000) new residents and fifty-six thousand (56,000) new jobs by the year 2040.

B. The traffic impact from these new residential units, commercial uses and other uses, as well as additional development beyond the year 2040, will adversely affect the quality of life for the existing residents of the cities and counties within the Tri-Valley Area unless those regional traffic impacts are mitigated by off-site transportation improvements.

C. To accomplish this goal, in 1991, the seven Tri-Valley jurisdictions listed above adopted the joint exercise of powers agreement pertaining to Tri-Valley transportation development fees for traffic mitigation providing for the collection of fees on certain development to be used to mitigate traffic congestion in the Tri-Valley Area. The agreement created the Tri-Valley Transportation Council ("TVTC"). The agreement was revised in 1998, 2003 and 2009.

D. Recognizing the need for operational flexibility, the signatories agreed to revise the joint exercise of powers agreement to create a separate public agency. A final version of the new joint exercise of powers agreement ("Tri-Valley JEPA") was unanimously approved by representatives from each member agency on July 31, 2013, and by the Board of Supervisors on October 15, 2013. A copy of the Tri-Valley JEPA is on file with the clerk of the Board of Supervisors and the director of public works.

E. The TVTC commissioned a study entitled, Tri-Valley Transportation Council Nexus Study, adopted on February 26, 2008 ("study") to determine current projected traffic impacts from development in the Tri-Valley Area, a new list of recommended projects to mitigate those projected impacts, and the fee rates necessary for each type of land use to generate sufficient revenue to fund the unfunded cost of the selected transportation mitigation projects.

F. The Tri-Valley jurisdictions have identified, through the Tri-Valley Transportation Plan/Action Plan for routes of regional significance ("plan") and the strategic expenditure plan ("SEP") (both on file with the clerk of the Board of Supervisors and the director of public works), the traffic impact of the projected Tri-Valley Area new development and certain regional transportation improvement projects that will mitigate these traffic impacts. These projects are listed in the plan and SEP.

G. The purpose of this chapter is to authorize collection of the Tri-Valley transportation development fee ("TVTD fee") within the unincorporated portion of Alameda County shown and described in Exhibit 1 to the ordinance codified in this chapter and on file with the clerk of the Board of Supervisors (the "Tri-Valley development area"), in order to mitigate the traffic impacts of new development in the Tri-Valley Area.

H. The fees collected pursuant to this chapter shall be used to finance the transportation improvement projects listed in the SEP.

I. The Board of Supervisors approves and adopts the plan, the study and the SEP and incorporates them herein, and further finds that future development in the Tri-Valley development area will generate the need for the transportation improvement projects and that the transportation improvement projects are consistent with the county's general plan.

J. There is a reasonable relationship between the need for the transportation improvement projects and the impacts of the types of development for which the corresponding fee is charged in that new development in the Tri-Valley development area, both residential and nonresidential, will generate traffic which generates or contributes to the need for the transportation improvement projects.

K. There is a reasonable relationship between the TVTD fee's use (to pay for the construction of the transportation improvement projects) and the type of development for which the TVTD fee is charged in that all development in the Tri-Valley development area, both residential and nonresidential, generates or contributes to the need for the transportation improvement projects.

L. The cost estimates set forth in the plans and studies are reasonable cost estimates for constructing the transportation improvement projects and the TVTD fees expected to be generated by future development will not exceed the projected costs of constructing the transportation improvement projects.

M. The method of allocation of the TVTD fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the transportation improvement projects to be funded by the TVTD fee, in that the TVTD fee is calculated based on the number of vehicle trips each particular development will generate.

N. Because the plan identifies new impacts that existing programs are not mitigating, the fees provided for in this chapter are in addition to the cumulative traffic impact mitigation fees provided for in Chapter 15.44 of the Alameda County Ordinance Code. This TVTD fee shall be for traffic improvements over and above any improvements required to mitigate project-specific impacts.

(Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.020 Definitions.

As used in this chapter:

"Gross floor area" means the sum of the area of all floor levels of a structure, including, but not limited to, cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (six feet, six inches minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross area of the unenclosed portion is to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from area calculations. The gross area of any parking garages within the building shall not be included within the gross area of the entire building.

"Industrial" means developments for the purpose of manufacture or fabrication of products, the processing of materials, the warehousing of merchandise for sale or distribution, research and development of industrial products and processes, and the wholesaling of merchandise.

"Land use entitlement" means a permit or approval granted for a development project as that term is defined in Government Code Section 66000.

"Multifamily residential" means buildings or parts thereof designed and used exclusively as a dwelling unit among other dwelling units, either on the same parcel (e.g., apartments and mobile home parks) or under separate ownership (e.g., condominiums, townhomes, duplexes, or duets).

"Office" means developments or parts thereof designed for the purpose of housing non-retail, nonmanufacturing businesses.

"Other uses" means land use categories not implicitly included within the land use categories of "single-family residential," "multifamily residential," "retail," "office," or "industrial," and for which alternative rates can be found in the Institute of Transportation Engineers Trip Generation Manual or in a rate schedule that the Tri-Valley transportation council has explicitly approved.

"Retail" means developments or parts thereof designed for the purpose of the retail sale of merchandise and services.

"Single-family residential" means buildings or parts thereof designed and used for occupation as the residence of one family.

"Strategic expenditure plan" or "SEP" means the TVTC's May 16, 2011 funding and project prioritization plan, adopted by the TVTC by execution of the Tri-Valley JEPA, and as may be amended from time to time.

"Subsidized housing development" means housing facilities developed by public agencies, limited dividend housing corporations, or nonprofit corporations, and maintained exclusively for persons or families of very low, low or moderate income, as defined in Section 50093 of the Health and Safety Code.

"Transportation improvement projects" or "projects" means those public improvements required to mitigate the regional traffic impacts of development within the Tri-Valley development area as specified in the SEP.

"Tri-Valley development area" means that portion of the area marked on Exhibit 1 of the ordinance codified in this chapter and on file with the clerk of the Board of Supervisors that is within Alameda County and is unincorporated. The legal description of the area boundary is on file with the Alameda County Surveyor. Generally, the Tri-Valley development area is bordered on the north, east, and south by the county lines and on the west by the western boundary of the Pleasanton Township and the City of Fremont boundary, plus the portion of the Dublin sphere of influence which crosses into the Eden Township.

"Tri-Valley transportation development fee" or "TVTD fee" means the fees to be imposed by the county on development within the Tri-Valley development area pursuant to this chapter.

"TVTC" means the Tri-Valley transportation council, an interagency council formed by a joint powers agreement by and among the County of Alameda, County of Contra Costa, Town of Danville and Cities of Dublin, Livermore, Pleasanton and San Ramon, dated October 17, 2013.

(Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.030 Development subject to the TVTD fee.

Except for the exempt categories of new development listed in Section 15.48.040, all development within the Tri-Valley development area that receives a land use entitlement from Alameda County shall be required to pay the TVTD fee.

(Ord. 98-90 § 1 (part))

15.48.040 Exemptions.

The following categories of development are exempt from the fee:

A. Any alteration or addition to a residential structure, except to the extent that a residential unit is added to a single-family residential unit or another unit is added to an existing multifamily residential unit;

B. Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished; provided, that the building permit for reconstruction is obtained within one year after the building was destroyed or demolished unless the replacement or reconstruction increases the square footage of the structure fifty (50) percent or more;

C. Any replacement or reconstruction of an existing nonresidential structure that has been destroyed or demolished; provided, that the building permit for new reconstruction is obtained within one year after the building was destroyed or demolished and the reconstructed building would not increase the destroyed or demolished building's average peak hour trips;

D. Public schools;

E. Subsidized housing developments;

F. Governmental buildings owned by any public entity;

G. Development projects which are subject to a development agreement, except that the fee shall be applicable to any "significant" changes to any development agreement adopted after January 1, 1998. As used herein, "significant" means any of the following:

1. Change in land use type (e.g., office to retail);

2. Intensification of land use types (e.g., increases in square footage of approved office);

3. Extension of term of development agreements; and

4. Reduction or removal of project mitigation requirements or conditions of approval.

(Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.050 Time of fee payment.

A. Fees required pursuant to this chapter shall be paid to the county prior to the issuance of building permits for the project to the extent permitted by law.

B. No county official or agency shall authorize issuance of a building permit for any development that is subject to the fee under Section 15.48.030 until notification is received from the director of public works that all TVTD fee monies required by this chapter have been paid or no fees are required of the project due to fee credits or reductions received.

(Ord. 98-90 § 1 (part))

15.48.060 Fee liability determination and calculation.

A. Each applicant for a land use entitlement shall submit the following information to the director of public works or other appropriate county officials:

1. The proposed number and type of residential units and/or gross square footage of building area for each use category listed in Section 15.48.070 of this chapter;

2. The proposed and existing uses in the development shall be assigned to use categories according to the list in Section 15.48.070.

B. The director of public works shall notify the applicant in writing of the amount of the required TVTD fee.

(Ord. 98-90 § 1 (part))

15.48.070 Fee rates.

A. The TVTD fees shall be set by the Board of Supervisors by resolution.

B. An applicant for a land use entitlement who is dissatisfied with the number of peak-hour trips or fee determination under the "other uses" land-use type, as calculated by county, may appeal the determination to the Alameda County Director of Public Works. The director of public works' determination can be appealed to the Board of Supervisors.

C. On March 1st of each year, the TVTD fee shall be automatically adjusted. This adjustment shall be based on the increase or decrease in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31st of the preceding calendar year.

D. In addition to the automatic adjustment provided in the TVTD fee, the county may by resolution adjust the TVTD fee to reflect revisions in the project list in the plan, increased costs or other factors.

E. The effective date of this Tri-Valley transportation development fee shall be September 1, 1998.

(Ord. 2004-9 § 1 (part); Ord. 2000-38; Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.080 Credits and reimbursements for developer-constructed projects.

A developer may be entitled to credit against the TVTD fee or to reimbursement from TVTD fees if the developer constructs all or a portion of one of the transportation improvement projects. Credit or reimbursement shall be provided in the manner set forth in the joint exercise of powers agreement; provided, that the Board of Supervisors has approved the construction by the developer of all or a portion of the transportation improvement project.

(Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.090 Use and expenditure of fees.

A. Revenue collected from fees imposed under this chapter shall be deposited by the treasurer into a separate interest-bearing account.

B. Within thirty (30) days of the end of each quarter, the treasurer shall remit to the TVTC eighty (80) percent of all TVTD fee revenue collected during that quarter, and any interest or income generated on such eighty (80) percent amount. Included along with this remittance the treasurer shall include the most recently approved list of projects described in subpart C.

C. At least as frequently as the time at which the director of public works submits the report described in subpart E to the Board of Supervisors, the director of public works shall also submit a recommendation for the projects to which the remaining twenty (20) percent of TVTD fee revenue should be directed. Upon approval with or without amendment of the director of public works' recommendation for expenditure by the Board of Supervisors, the clerk of the board shall transmit the approved list of projects to the treasurer for inclusion as part of the remittance described in subpart B.

D. The treasurer shall maintain a current record of all TVTD fee revenue collected and retained, including interest or income on such funds, and shall make said record available to the TVTC for auditing purposes.

E. The director of public works shall prepare and submit to the Board of Supervisors the report called for in Government Code Section 66006 not later than one hundred eighty (180) days following the last day of the fiscal year, except that the director of public works shall be relieved of this obligation when the TVTC timely creates a similar report that complies with Government Code Section 66006. Upon the Board of Supervisors' receipt of the report, the clerk of the board shall place the report on the next regular agenda of the Board of Supervisors occurring no sooner than fifteen (15) days from the date of submission of the report.

F. Every fifth fiscal year following the first deposit into the account, the director of public works shall prepare a report regarding that portion of the account remaining unexpended, whether committed or uncommitted, identifying the purpose to which the unexpended fee revenue is to be put and the continuing reasonable relationship between the fee and the purpose for which it is charged. The director of public works shall be relieved of the obligation to prepare such a report where the TVTC has prepared a substantially similar report.

(Ord. 98-90 § 1 (part))

(Ord. No. O-2015-34, § 1, 6-23-15)

15.48.100 Enforcement of fee collection.

A. In case of noncompliance with this chapter, the TVTD fees and interest that would have accumulated shall be calculated from the date that a building permit was issued and not from the date of discovery, complaint, or enforcement.

B. Payment of fees shall be enforced as a lien on the property.

(Ord. 98-90 § 1 (part))

15.48.110 Performance.

Failure of any county official or agency to fulfill the requirements of this chapter shall not excuse any applicant for a land use entitlement from payment of the TVTD fee required by this chapter.

(Ord. 98-90 § 1 (part))

1. Ord. No. 2022-58, § 2, adopted December 6, 2022, repealed the former Chapter 15.08, §§ 15.08.010—15.08.440, and § 6, of Ord. No. 2022-58, enacted a new Chapter 15.08 as set out herein. The former Chapter 15.08 pertained to similar subject matter and derived from Ord. No. 2019-59, adopted November 26, 2019. [↑](#footnote-ref-1)
2. Ord. No. 2022-58, § 2, adopted December 6, 2022, repealed the former Chapter 15.12, §§ 15.12.010—15.12.040, and § 6, of Ord. No. 2022-58, enacted a new Chapter 15.12 as set out herein. The former Chapter 15.08 pertained to similar subject matter and derived from Ord. No. 2019-59, adopted November 26, 2019. [↑](#footnote-ref-2)
3. Ord. No. 2022-58, § 2, adopted December 6, 2022, repealed the former Chapter 15.08, §§ 15.16.010—15.16.040, and § 6, of Ord. No. 2022-58, enacted a new Chapter 15.16 as set out herein. The former Chapter 15.08 pertained to similar subject matter and derived from Ord. No. 2019-59, adopted November 26, 2019. [↑](#footnote-ref-3)
4. Ord. No. 2018-32, § B, adopted June 5, 2018, repealed the former Chapter 15.18, §§ 15.18.010—15.18.100, and enacted a new Chapter 15.18 as set out herein. The former Chapter 15.18 pertained to onsite wastewater treatment systems and individual/small water systems and derived from Ord. No. 2007-11; Ord. No. 2007-22 and Ord. No. 2008-56, adopted December 16, 2008. [↑](#footnote-ref-4)
5. Ord. No. 2022-58, § 2, adopted December 6, 2022, repealed the former Chapter 15.08, §§ 15.20.010—15.20.100, and § 6, of Ord. No. 2022-58, enacted a new Chapter 15.20 as set out herein. The former Chapter 15.08 pertained to similar subject matter and derived from Ord. No. 2019-59, adopted November 26, 2019. [↑](#footnote-ref-5)
6. Ord. No. 2022-58, § 2, adopted December 6, 2022, repealed the former Chapter 15.08, §§ 15.24.010—15.24.100, and § 6, of Ord. No. 2022-58, enacted a new Chapter 15.08 as set out herein. The former Chapter 15.08 pertained to similar subject matter and derived from Ord. No. 2019-59, adopted November 26, 2019. [↑](#footnote-ref-6)
7. Editor's note(s)—Ord. No. 2018-53, § 2, adopted October 2, 2018, repealed the former Chapter 15.40, §§ 15.40.010—15.40.260, and enacted a new Chapter 15.40 as set out herein. The former Chapter 15.40 pertained to similar subject matter and derived from Ord. No. 2004-86. [↑](#footnote-ref-7)