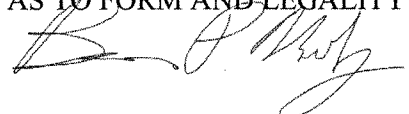


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CITY CLERK


CITY ATTORNEY'S OFFICE**OAKLAND CITY COUNCIL****RESOLUTION NO. 90846 C.M.S.**

RESOLUTION OF FINDINGS SUPPORTING AN EMERGENCY ORDINANCE: 1) ADDING OAKLAND MUNICIPAL CODE ("O.M.C.") CHAPTER 15.06, "OAKLAND AMENDMENTS TO THE CALIFORNIA ENERGY AND GREEN BUILDING CODES," RELATED TO BUILDING DECARBONIZATION, ENERGY EFFICIENCY, AND PUBLIC HEALTH TO MEET THE CITY OF OAKLAND'S RESOURCE CONSERVATION AND CLIMATE GOALS; (2) REPEALING THE CITY OF OAKLAND'S LOCAL AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA ENERGY CODE (TITLE 24, PART 6) AND THE 2022 CALIFORNIA GREEN BUILDING CODE (TITLE 24, PART 11) AT O.M.C. CHAPTER 15.04, PART 6 AND PART 11 ADMINISTRATIVE AND TECHNICAL AMENDMENTS; AND (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

WHEREAS, the State of California adopts a new California Model Building Construction Code every six years that goes into effect throughout the State one hundred and eighty (180) days after publication. The California Model Building Construction Code is contained in Title 24 of the California Code of Regulations (hereafter "Title 24"), and consists of several parts that are based upon model codes with amendments made by various State agencies; and

WHEREAS, the following editions of the California Model Building Construction Codes are the most current in publication:

- California Energy Code, 2025 Edition, Title 24, Part 6;
- California Green Building Standards, 2025 Edition, Title 24, Part 11;

WHEREAS, the State 2025 Edition of the California Model Building Construction Code will go into effect throughout California on January 1, 2026; and

WHEREAS, local jurisdictions are required to enforce the California Model Building Construction Code but may also enact more stringent standards when reasonably necessary because of local conditions caused by climatic, geologic, or topographic conditions; and

WHEREAS, the Council of the City of Oakland ("City Council") does hereby determine that there is a need to enforce the most current editions of the California Model Building Construction Codes,

with local administrative and non-administrative amendments thereof, as recited herein for regulating and controlling the design, erection, construction, enlargement, installation, alteration, repair, relocation, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical, energy conservation, natural resource sustainable consumption (green building), and fire suppression systems and certain equipment within the corporate boundaries of the City of Oakland ("City"); and

WHEREAS, as in past State code adoption cycles, the City repeals its existing local amendments to the 2022 Edition of the California Model Building Construction Code ("2022 Oakland Amendments") in their entirety and enacts new local amendments to the 2025 Edition of the California Model Building Construction Code ("2025 Oakland Amendments"); and

WHEREAS, Assembly Bill 130 ("AB 130"), signed by Governor Gavin Newsom on June 30, 2025, significant changes have been introduced to the triennial code cycle adoption and the local amendment process for residential buildings and occupancies; and

WHEREAS, these changes will extend the typical three-year adoption cycle to six years, thereby maintaining the 2025 California Model Building Standards Code until January 1, 2031 and prohibit local jurisdictions from submitting non-emergency amendments to residential building standards during the same six-year period, unless the amendments pertain to stricter compliance within Wildland-Urban Interface areas hole, which are in conflict therewith; and

WHEREAS, as a result, any proposed local amendments must be adopted by the City Council and submitted to the California Building Standards Commission no later than September 30, 2025, in accordance with the accelerated timeline established by AB 130. This deadline supersedes the previously standard January 1 submission date for the triennial period; and

WHEREAS, pursuant to California Health & Safety Code section 17958.5, jurisdictions may adopt local administrative and non-administrative amendments of the most current editions of the California Model Building Construction Codes in the intervening time between their dates of publication on July 1, 2025, and their effective dates on January 1, 2026; and

WHEREAS, pursuant to said California Health & Safety Code section, said local amendments shall be set forth and adopted through an ordinance before the effective dates of the most current editions of the California Model Building Construction Codes; and

WHEREAS, the City Council further hereby determines that said non-administrative amendments of the California Model Building Construction Codes exceed uniform industry standards and the most current California Model Building Construction Codes requirements; and

WHEREAS, California Health & Safety Code section 17958.7 provides that before making any changes or modifications to the California Building Standards Code and any other applicable provisions published by the State Building Standards Commission, including, but not limited to, green building standards, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions, and the findings must be filed with the State Building Standards Commission before the local changes or modifications can go into effect; and

WHEREAS, pursuant to said California Health & Safety Code section, as a condition of and concurrent with the adoption of said local amendments, the City Council, in a separate companion resolution, has made express findings that said non-administrative amendments are reasonably necessary because of local climatic, topographic, and geologic conditions; and

WHEREAS, the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15378 (No Project), 15061 (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

WHEREAS, each of the foregoing CEQA exemptions provides a separate and independent basis for CEQA compliance and, when viewed individually or collectively, provide an overall basis for CEQA compliance; and

WHEREAS, the City Council further hereby finds that the most current editions of the California Model Building Construction Codes, with local amendments as recited herein, shall be the governing building construction codes for the City from and following September 30, 2025; and

WHEREAS, the City is committed to protecting the health, safety, and welfare of its residents and addressing the urgent challenges of climate change and environmental injustice, and as such the companion ordinance adopted with this Resolution shall be adopted as an emergency ordinance pursuant to City Charter section 213; and

WHEREAS, the City Council adopted the 2030 Equitable Climate Action Plan ("ECAP") (C.M.S. 88267), which establishes a target to reduce citywide greenhouse gas ("GHG") emissions and identifies the transition away from fossil fuels in both new and existing buildings as a primary strategy to achieve this goal; and

WHEREAS, the ECAP, Action B-2 establishes a goal for all existing buildings to be efficient and all-electric by 2040, and requiring energy upgrades during significant renovations is a cost-effective method to begin this transition; and

WHEREAS, the City Council adopted the Oakland 2045 General Plan Environmental Justice Element ("EJ Element") (C.M.S. 89907), which documents severe health disparities and disproportionate pollution burdens affecting EJ Communities and mandates policies to improve housing quality and reduce pollution exposure; and

WHEREAS, the EJ Element finds that residents in West and East Oakland experience some of the highest pollution levels in the state, leading to elevated rates of asthma and a life expectancy nearly 20 years shorter than residents in other parts of the City; and

WHEREAS, the City Council adopted the EJ Element as part of Phase One of the City's General Plan Update on June 21, 2023; and

WHEREAS, the EJ Element serves to equitably advance the health and safety of the City's residents and businesses. and explicitly references and integrates the goals and strategies of the City's ECAP. In alignment with the City's adopted greenhouse gas emissions reduction strategy, the EJ Element makes it a City policy to facilitate the transition to all-electric buildings; and

WHEREAS, the combustion of natural gas in homes contributes to indoor air pollution linked to respiratory illness, and the City's older housing stock, concentrated in EJ Communities, is more likely to contain inefficient and polluting appliances; and

WHEREAS, these amendments are a direct implementation of ECAP Actions B-1, B-2, B-4, and TLU-5, and EJ Element Policies EJ-1.1, EJ-1.8, and EJ-1.11; and

NOW, THEREFORE, BE IT:

RESOLVED: That the City is unique among California communities with respect to local climatic, geological, topographical, and other conditions. A specific list of findings that support the City's modifications to the 2025 California Building Standards Code is contained in **Exhibit A** entitled "Findings for City of Oakland Amendments to the California Building Standards Code Part 6 and Part 11" attached hereto and hereby declared to be a part of this Resolution as if set forth fully herein; and be it

FURTHER RESOLVED: That pursuant to California Health & Safety Code section 17958.7, the City Council finds and determines that the local conditions described in **Exhibit A** constitute a general summary of the most significant local conditions giving rise to the need for modification of the 2025 California Building Standards Code provisions published by the State Building Standards Commission; and be it

FURTHER RESOLVED: That the City Council further finds and determines that the proposed modifications are reasonably necessary based upon the local conditions set forth in **Exhibit A** and that such modifications are required in order to provide specific and greater protections to the public health, safety and welfare than are afforded by the 2025 California Building Standards Code; and be it

FURTHER RESOLVED: That the City Council further finds and determines that the local amendments to the California Building Standards Code, as set forth in a separate companion ordinance adopting said amendments as Oakland Municipal Code Chapter 15.06, entitled "Oakland Amendments to the California Energy and Green Building Codes", impose substantially the same non-administrative regulatory requirements, and are thus equivalent to or more stringent than the most current California Building Standards Code requirements while also being cost-effective; and be it

FURTHER RESOLVED: That this Resolution shall become effective immediately, unless otherwise required by the Charter of the City; and be it

FURTHER RESOLVED: That this action is exempt from CEQA pursuant to CEQA Guidelines sections 15378 (No Project), 15061 (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and be it

FURTHER RESOLVED: Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance; and be it

FURTHER RESOLVED: That the Building Official of the City is hereby directed to transmit this Resolution with the Exhibit A attachment, along with a copy of said separate companion ordinance adding Oakland Municipal Code Chapter 15.06, entitled "Oakland Amendments to the California Energy and Green Building Codes" amending the 2025 Edition of the California Building Standards Code, to the California Building Standards Commission upon final adoption of Oakland Municipal Code Chapter 15.06, pursuant to the applicable provisions of State law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____

ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

EXHIBIT A
**FINDINGS FOR CITY OF OAKLAND AMENDMENTS TO THE CALIFORNIA
ENERGY AND GREEN BUILDING CODES**

The City Council of the City of Oakland ("City") finds that the following local amendments of the 2025 California Building Standards Code (explained in further detail in a separate companion ordinance referenced in the Resolution) are reasonable and necessary as a result of the following unique local climatic, topographic, and geologic conditions:

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Regarding the Energy Code, local jurisdictions have the authority to adopt local energy efficiency ordinances-or reach codes-that exceed the minimum standards defined by Title 24 (as established by Public Resources Code Section 25402.1 (h)(2) and Section 10-106 of the Building Energy Efficiency Standards) provided the City Council finds that the requirements of the proposed ordinance are cost-effective and do not result in buildings consuming more energy than is permitted by Title 24.

This Chapter is justified based on a local climatic condition. The seasonal climatic conditions during the late summer and fall create severe fire hazards that threaten the public health and welfare in the City. The hot, dry weather is potentially dangerous to the Oakland Hills, much of which is identified by Cal Fire as either Very High or High Fire Hazard Severity Zone. In addition, the City has recently designated most of the Oakland Hills as local Very High Fire Severity Zone pursuant to Government Code section 51179. The aforementioned conditions combined with the geological characteristics of the hills within the City, create hazardous conditions for which departure from California Energy Code is required in an attempt to reduce greenhouse gas ("GHG") emissions, global warming, which has been scientifically proven to result in increased wildfire risk.

In addition, failure to address and significantly reduce GHG emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk Oakland homes and businesses, costly infrastructure, and other public facilities. Energy efficiency is a key component in reducing GHG emissions, and construction of more energy efficient buildings can help Oakland reduce its share of the GHG emissions that contribute to climate change. The burning of fossil fuels used in the generation of electric power and heating of buildings contributes to climate change, which could result in rises in sea level, including in the San Francisco Bay, that could put at risk Oakland homes, businesses, infrastructure, and public facilities.

This Chapter is also justified based on a local geological condition. The City is subject to earthquake hazard caused by its proximity to the Hayward Fault. This fault is about seventy-four (74) miles long and runs along highway 13. The other fault is the San Andreas Fault to the west. These are major Northern California earthquake faults which may experience rupture at any time resulting in catastrophic results as demonstrated by the 1989 Loma Prieta Earthquake and the 1906 San Francisco Earthquake. Thus, because the City is within a seismic area which includes such faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.

This Chapter is further justified based on topographic conditions that make the soil unstable and subject to catastrophic infrastructure failure, as seen during the San Bruno gas main rupture. The City includes hillsides with narrow and winding access, which makes timely response by fire suppression vehicles difficult. Oakland is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and wastewater run-off. Also, the City is in an area that is potentially susceptible to liquefaction during a major earthquake. The surface condition consists mostly of stiff to dense sandy clay, which is highly elastic and expansive in nature. The conditions within the City create hazardous conditions that can lead to natural gas line failure, as we have seen in the Bay Area at a catastrophic level in San Bruno as recently as ten (10) years ago. As a result of these geologic conditions, departure from California Building Standards Codes is warranted.

The City Council also finds that this Ordinance and its local amendments are cost-effective as costs for all-electric new construction are already either on par with or less than those for mixed-fuel (i.e., electricity plus natural gas) construction. (See 2019 Cost-Effectiveness Study: Low-Rise Residential Construction prepared by Frontier Energy Inc. and Misti Bruceri & Associates, LLC and 2019 Nonresidential New Construction Reach Code Cost Effectiveness Study prepared by TRC and Energy Soft). Incentivizing all-electric and green buildings as envisioned in the 2030 ECAP and EJ Element and required by the City's proposed Carbon Neutrality Resolution must begin with building construction of all types, and also include existing residential buildings in gradual measures to be "electric ready" by 2040.