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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER REBECCA KAPLAN
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13727 C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TO ADD SECTION 15.04.3.5065 TO ADOPT APPENDIX M OF THE 2022 CALIFORNIA PLUMBING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, PEAK WATER DEMAND CALCULATOR; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the 2022 California Plumbing Code, also known as Title 24, Part 5 of the California Code of Regulations was published on July 1, 2022; and

WHEREAS, the City of Oakland adopted the 2022 California Plumbing Code on December 20, 2022, in 15.04.3; and

WHEREAS, State law allows local governments to adopt amendments to the California Plumbing Code, including the appendices; and

WHEREAS, Appendix M of the California Plumbing Code authorizes the use of the Peak Water Demand Calculator as a tool for calculating peak water demand of new residential developments if authorized by local ordinance; and

WHEREAS, the method for estimating the demand load in Appendix M is the first major update of water pipe sizing in buildings in over 80 years; and

WHEREAS, with the adoption of Appendix M, the City of Oakland would further improve pipe sizing and reduce existing inefficiencies in the interests of affordable development and public welfare; and

WHEREAS, the City of Oakland finds that the adoption of Appendix M by adding to the Oakland Municipal Code (O.M.C.) section 15.04.3.5065 is necessary to address local climatic conditions, and to provide for the construction and retention of buildings and facilities in Oakland; and

WHEREAS, the adoption of Appendix M of the 2022 California Plumbing Code will allow for the implementation of a more accurate pipe sizing methodology for new residential development which will in turn improve water-use efficiency through the subsequent implementation of smaller piping, helping to address drought-related water supply impacts; and

WHEREAS, the City’s adoption of Appendix M would further strengthen the City’s alignment with existing water efficiency legislation such as AB 1668 (2018) and SB 606 (2018), which task the State Water Resources Control board to establish long-term urban water use efficiency standards; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines §15061(b)(3) as a project that has no potential for causing a significant effect on the environment given it simply adopts an existing California Plumbing Code standard. This ordinance is also exempt from CEQA because its adoption serves as a measure for the protection of the environment pursuant to CEQA Guidelines section 15308.

WHEREAS, the enacted legislation sets a target of 55 gpcd for indoor water use, and given that the target will become further restrictive come January 2030, the adoption of Appendix M of the 2022 California Plumbing Code will provide the City with the necessary tools to meet the future target for per capita water use;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. O.M.C. section 15.04.3.5065 is hereby added to read as follows (additions are in double underline text):

Section 15.04.3.5065 – 2022 CPC Appendix M adopted.

Adopt Appendix M of the 2022 California Plumbing Code in its entirety.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3. California Environmental Quality Act. The City Council finds this ordinance is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) as a project that has no potential for causing a significant effect on the environment given it simply adopts an existing Plumbing Code standard. This ordinance is also exempt from CEQA because its adoption is a measure for the protection of the environment pursuant to CEQA Guidelines section 15308.

SECTION 3. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 7 2023

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS → 8

NOES – 0

ABSENT – 0

ABSTENTION → 0

ATTEST: _____



ASHA REED

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

Date of Attestation: March 14, 2023

Introduction Date

FEB 21 2023

NOTICE AND DIGEST

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TO ADD SECTION 15.04.3.5065 TO ADOPT APPENDIX M OF THE 2022 CALIFORNIA PLUMBING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, PEAK WATER DEMAND CALCULATOR; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This is an ordinance that adopts the 2022 California Plumbing Code, California Code of Regulations, Title 24, Part 5, “Peak Water Demand Calculator,” which authorizes the use of the Peak Water Demand Calculator as a tool for calculating peak water demand of new residential developments. Through the adoption of 2022 California Plumbing Code’s Appendix M, the City of Oakland would further improve pipe sizing and reduce existing inefficiencies in the interests of affordable development and public welfare. The ordinance also makes appropriate California Environmental Quality Act (“CEQA”) findings.