

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**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 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 ("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 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 City 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, introduced significant changes 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, 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; and

**WHEREAS**, as a result of the State-imposed deadline, the City Council finds and determines that this Ordinance is necessary for preserving the public peace, health, or safety in an emergency since the local amendments contained herein uniquely serve to protect the public health and safety due to the City’s specific local climatic, geographic and topographic features that are unknown to or not considered by those outside of the City; and

**WHEREAS**, specifically, local amendments are needed to address several of the City’s unique hazards, such as sea level rise from increased greenhouse gas (“GHG”) pollution, earthquake risk, fire risk, and other risks and hazards that the City deals with due to its specific climatic, geologic and topographical conditions; and

**WHEREAS**, in compliance with City Charter section 213, this emergency ordinance was introduced and adopted at the same City Council meeting since it received an affirmative vote of at least six (6) members of the City Council; and

**WHEREAS**, the City Council further hereby determines that the adoption of local administrative and non-administrative amendments of the most current editions of the California Model Building Construction Codes, which provide for certain changes, supplements, and deletions thereof as recited herein, will provide acceptable standards to safeguard life and limb, property, and public welfare; 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 imposes requirements that exceeds, 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 and electric code 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, 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, provides 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 January 1, 2026; 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 therefore finds a need to adopt this emergency ordinance prior to the September 30, 2025 deadline; and

**WHEREAS**, the City Council adopted the 2030 Equitable Climate Action Plan (“ECAP”) (C.M.S. 88267), which establishes a target to reduce citywide 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 Environmental Justice 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, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Scope.**

**A. Recitals.**

The City Council hereby determines that the preceding recitals are true and correct and an integral part of the City Council's decision and hereby adopts and incorporates them into this Ordinance.

**B. Repeal of 2022 Oakland Local Amendments.**

The 2022 Oakland Amendments, adopted by Ordinance No. 13717 C.M.S., are hereby expressly repealed in their entirety, and unless superseded and expressly repealed, all references in City forms, documents and regulations to the chapters and sections of the 2022 Oakland Amendments shall be construed to apply to the corresponding provisions contained within the 2025 Oakland Amendments.

**C. Purpose and Intent.**

It is the purpose and intent of this Ordinance to expressly enact local amendments to the 2025 California Energy Code, 2025 Edition, Title 24, Part 6, and California Green Building Standards, 2025 Edition, Title 24, Part 11 consistent with and exceeding the 2025 California Model Building Construction Code requirements, in order to preserve the public peace, health, safety, and general welfare of the citizens and residents of, and travelers through, the City of Oakland, as authorized by the California Health & Safety Code.

**SECTION 2. California Environmental Quality Act (“CEQA”) Findings.**

This Ordinance is hereby ordained to be exempt from the California Environmental Quality Act (“CEQA”) pursuant to the following CEQA Guidelines sections 15378, 15061(b)(3) (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).

Each of the foregoing CEQA exemptions provides a separate and independent basis for CEQA compliance and, when viewed individually or collectively, provides an overall basis for CEQA compliance.

**SECTION 3. Enactment of Local Amendments to the 2025 California Energy Code, 2025 Edition, Title 24, Part 6, and California Green Building Standards, 2025 Edition, Title 24, Part 11.**

The following articles, parts, and sections are hereby adopted by this ordinance and incorporated into Oakland Municipal Code Chapter 15.04 Part 6 and Part 11. The most current editions of the 2025 California Energy Code, 2025 Edition, Title 24, Part 6, and California Green Building

Standards, 2025 Edition, Title 24, Part 11, as amended herein, shall be the governing Building and Construction Codes for the City of Oakland from and following January 1, 2026.

#### **SECTION 4. Amendments.**

The following changes, supplements, additions, and deletions of the 2025 California Energy Code, 2025 Edition, Title 24, Part 6, and California Green Building Standards, 2025 Edition, Title 24, Part 11 are hereby enacted by this Ordinance and incorporated into the Oakland Municipal Code, Chapter 15.04:

- Article I: Sections 15.06.1.100 through 15.06.1.180 inclusive, General Administrative Amendments;
- Article II: Part 6, Section 15.06.2.600, Administrative Amendments To The California Energy Code, 2025 Edition;
- Article II - Part 11, Section 15.06.2.1100, Administrative Amendments To The California Green Building Standards, 2025 Edition;
- Article III: Part 6, Section 15.06.3.6000 through 15.06.3.6015 Non-Administrative Amendments To The California Energy Code, 2025 Edition; and
- Article III: Part 11, Section 15.06.3.11000 through 11045 inclusive, Non-Administrative Amendments To The California Green Building Standards, 2025 Edition

#### **Article I.**

##### **15.06.1.100 Title.**

This Chapter of the Oakland Municipal Code shall be known as the "Oakland Amendments of the 2025 Editions of the California Building Standards Code, Part 1 (Administrative), Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), Part 7 (Wildland-Urban Interface), Part 8 (Historical Buildings), Part 10 (Existing Buildings), and Part 11 (Green Building Standards), Part 12 (Referenced Codes)," may be cited as such, and will be referred to herein as "this Chapter," "this Code," or the "2025 Oakland Building Construction Code."

##### **15.06.1.110 Scope.**

Where any section of a model code recited herein is amended by this Chapter, all provisions of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto. Where provisions set forth herein conflict with the provisions of Title 24 of the California Code of Regulations, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 10, 11 and 12, the enforcement of which by local jurisdictions is provided for in the Matrix Adoption Tables, the provisions of the California Amendments shall prevail and control.

#### **15.06.1.115 General standards.**

A. Hazards. All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapet walls, cornices, spires, towers, tanks, statuary, signage, structural members, appendages, and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained and of sufficient size and so protected as to reduce and minimize all egress, fire, safety, and health hazards.

B. Quality. The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly, and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design and construction of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation, and construction. Testing, listing, and affixed labeling shall be prima facie evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

C. Compliance. Failure to comply with any of the provisions of this Code, including failure to provide, obtain or maintain valid permits, certifications, tests, listings, affixed labeling, inspection approvals, or other conditions of permit; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment shall be and is declared to be prima facie evidence of an existing and continuing hazard to life or limb, property or public welfare.

#### **15.06.1.120 Effect of adoption and repeals.**

A. Other Codes and Ordinances. Unless expressly stated herein, this Chapter is not intended to amend, repeal, or supersede provisions of any other codes, regulations or ordinances, including, but not limited to, the demolition ordinance, earthquake damage abatement ordinance, dangerous building ordinance, creek protection ordinance, foreclosed and vacant residential building ordinance, Planning Code, Building Maintenance Code, or Fire Code.

B. Conflict. In any specific section or case where there is a conflict within or between or among provisions, the most restrictive that prescribes and establishes the higher standard of safety or public benefit shall prevail and control and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

C. Validity. Neither the adoption of this Code nor the repeal by the ordinance codified in this Chapter of any City ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violations hereof.

Provided further, neither the adoption of this Code nor the repeal by the ordinance codified in this Chapter of any City ordinance shall in any manner affect the validity of an interlocutory or final action heretofore taken by the Hearing Examiner, or the validity of any such action to be taken upon matters pending before the Hearing Examiner at the time of the adoption of the ordinance codified in this Chapter, and that the provisions of this Code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatement and continuation thereof, and not as new enactment.

#### **15.06.1.125 Administrative hearings.**

A. General. In order to appeal orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the non-administrative (technical) requirements of this Code, any person adversely affected by the order, decision, or determination may request an administrative hearing with a Hearing Officer. The request shall be filed in writing with the Building Official and shall be accompanied by a fee as established in the Master Fee Schedule.

The written request for an administrative hearing with the accompanying fee shall be received by the Building Official within twenty-one (21) calendar days from the date of the service of such order, decision or determination of the Building Official, provided however, that if the building or structure is in such condition as to make it dangerous or an imminent hazard and is ordered vacated in accordance with Section 15.08.380 of this Code, such request and fees shall be received by the City within seven (7) calendar days from the date of the service of the declaration or order of the Building Official. Failure to file such written request along with full payment of fees within the period of time prescribed herein shall constitute a waiver of the right to an administrative adjudication of such action or to any portion thereof and constitutes a failure to exhaust administrative remedies.

The request for an administrative hearing shall contain the following information:

1. A brief statement setting forth the interest of the appellant in the real property identified in the order, decision or determination made by the Building Official; and
2. A brief statement in ordinary and concise language of that (those) specific order(s), decision(s) or determination(s) protested; and
3. A brief statement in ordinary and concise language contending that issuance of the order, decision or determination was a result of error or abuse of discretion together with any material facts claimed to support such contention; and
4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified, or otherwise set aside; and
5. The signature of the appellant, and his or her mailing address; and
6. The verification (by declaration under penalty of perjury) of at least one (1) person requesting a hearing as to the truth of the matters stated in the request for hearing.

B. Scheduling and Noticing. As soon as practicable after receiving the request for administrative hearing, the Building Official shall fix a date, time and place for the



administrative hearing. Written notice of the time and place of the hearing shall be given to the appellant at least seven (7) calendar days prior to the date of the hearing. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.

C. Scope of Hearing. The administrative hearing before a Hearing Officer shall be an evidentiary hearing. Only those technical matters or issues specifically raised by the appellant in the request for administrative hearing shall be considered. The appellant and the City may present witnesses and such documentary evidence as are relevant to the issues. The Hearing Officer shall have the power to administer oaths. Upon a showing of good cause by the appellant or the City, the Hearing Officer may request that the City Clerk issue subpoenas under the seal of the City for a witness to appear and testify or to produce documents. Willful failure to appear to testify or to produce documents under subpoena may be punished as an infraction or as an administrative citation. The City has the burden of proof by a preponderance of the evidence.

D. Hearing Officer. The Hearing Officer shall not be an employee of the City of Oakland and shall be qualified by experience and training to pass on building construction and other matters pertaining to this Code.

E. Limitations of Authority. The Hearing Officer shall have no authority relative to interpretations of the administrative provisions of this Code and shall not be empowered to waive or otherwise set aside the non-administrative (technical) requirements of this Code.

F. Effect of Hearing. Decisions of the Hearing Officer in all instances shall be final and conclusive unless the appellant files an appeal, as set forth in Subsection 15.04.1.125 G.

G. Appeal of Hearing Officer Decision to Appeals Board. The appellant may appeal the Hearing Officer's determination to an Appeals Board as follows:

1. Appeals Board. The Appeals Board shall be, at the City's discretion, either the City Council or an Appeals Board appointed by the City Administrator. Appeals Board members shall not be employees of the City of Oakland.

2. Only appeals based on a substantive violation of Chapter 15.04, 15.08, or the California Model Building Construction Code may be appealed as provided in Subsection 15.04.1.125 G. This includes Building Code violations, substandard/public nuisance determinations, and orders to abate. The following may not be appealed to the Appeals Board: billing appeals, blight violations (unless based on a Building Code violation) (O.M.C. Chapter 8.24), graffiti (O.M.C. Chapter 8.10), public nuisance determinations not based on Building Code violations, planning code or zoning violations, and any other violation of a City ordinance not based on a Building Code violation.

3. The appellant must file the appeal within fourteen (14) calendar days of service of the Hearing Officer's determination. The appellant shall file the appeal on a form, under such procedures, and at such location as may be established by the City Administrator. The appellant must state the basis for the appeal and how the decision by the Hearing Officer was in error. The appellant shall pay a fee established for appeals to the Appeals Board in the Master Fee Schedule.

4. The Appeals Board's consideration shall be limited to the record established by the hearing officer. The Appeals Board shall not consider new evidence unless the proponent shows that the evidence is both newly discovered and material and could not, with reasonable diligence, have been produced at the hearing before the Hearing Officer. If, the Appeals Board makes such determination, it may hear the additional evidence at a continued hearing, allowing the opposing party to respond, or may remand the matter to the Hearing Officer to consider the new evidence.

5. The appellant shall have the burden of demonstrating that there is no substantial evidence in the record to support the Hearing Officer's decision, or that the decision is based on an error of law.

H. The decision of the Appeals Board shall be final. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative determinations made by the Appeals Board.

#### **15.06.1.130 Violations.**

A. Scope. It is unlawful for any person, group of persons, firm, partnership, company, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or plumbing, mechanical, or electrical system, component, or equipment in the City or cause the same to be done contrary to or in violation of any of the provisions of this Code or other relevant ordinance, rule, or regulation.

B. Remuneration. In addition to the penalties provided by law, a violator shall be liable for such costs, expenses, disbursements, and attorneys' fees paid or incurred by the City or any of its officials, officers, representatives, employees, agents, volunteers, vendors, or third-party contractors in the correction, abatement and prosecution of the violation.

Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule of the City of Oakland and may be recovered by all appropriate legal means, including, but not limited to, nuisance abatement lien, prospective lien and special assessment of the general tax levy, priority lien and special assessment of the general tax levy, or civil and small claims court action brought by the City of Oakland, and combinations of such actions.

The City may recover from the property owner all costs incurred for processing and recording of such liens and special assessments authorized by this Code and for providing notice to the property owner as part of its foreclosure action or for other actions to enforce such liens and special assessments and to recover costs incurred, including attorneys' fees.

Said procedures shall be as established in Section 15.08.130 of the Oakland Municipal Code.

#### **15.06.1.135 Application for permit.**

Every permit and application for a permit shall contain the information required by California Health and Safety Code, Division 13, Part 3, Chapter 9, Section 19825.

A. Agreement. Every permit shall also contain an agreement as follows which shall be executed by the permit holder as a condition of issuance:

"To the maximum extent permitted by law, I hereby agree to save, defend (with counsel acceptable to the City), indemnify and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency and their respective officials, officers, employees, representatives, agents, and volunteers (hereafter called "City") from any liability, damages, claims, judgment, loss (direct or indirect), action, causes of action, or proceedings (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this permit or implementation of this permit, or in consequence of the granting of this permit or from the use or occupancy of the public right-of-way, public easement, or any sidewalk, street or sub-sidewalk or otherwise by virtue thereof. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees. Within ten (10) calendar days of the service of any Action as specified above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the permit. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations above or other conditions of approval that may be imposed by the City. I further agree in all things to strictly comply with the conditions under which this permit is granted, and I further certify that I am the owner of the property involved in this permit or that I am fully authorized by the owner to access the property and perform the work authorized by this permit."

B. Contact Information. In addition to the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825 for architects and engineers, every permit shall contain the telephone numbers and email address for any such persons, firms or designers responsible for the work proposed under the permit or application.

C. Electronic Submittals. In the case of electronic submittals, signatures shall be provided as required and allowed by current California law.

D. Peer Review. A peer review may be required by law or other regulation. A peer review may also be required by the Building Official for the design of any element for a project requiring a permit that is based on a design methodology which is not addressed within this Code or that requires review by a registered design professional not employed by the City. The peer review shall be performed in a form and manner as directed by the Building Official. When a peer review is required, the applicant shall bear all costs associated with the peer review.

E. Dust Control. A statement that dust will not be generated by the work under the permit shall be placed on the permit application, if applicable. If dust will be generated by the work under the permit, then dust control measures will be required. Dust control measures shall be based on "best management practices" as developed by the Building Official or any other appropriate reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming, sweeping or other

means as necessary. A dust control plan may be required as a condition of permit issuance or at other times as necessary to assure compliance with this Section.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

F. Every permit issued shall become invalid unless the work on site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is inactive, suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. Work which does not receive a major inspection, as further defined in Section 15.04.2.240, and approval or partial approval within one hundred eighty (180) days shall be deemed inactive, suspended or abandoned and be subject to abatement action in accordance with Section 15.08.340. Permits shall expire after seven hundred twenty (720) days from date of issuance. The Building Official is authorized, upon payment of fees prescribed in the Master Fee Schedule, to grant in writing, one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension request shall be in writing and justifiable cause demonstrated.

#### **15.06.1.140 Information on submittals.**

A. Required. When the Building Official determines that plans, diagrams, specifications, calculations, computations, reports, and other relevant data are necessary, the documents shall be submitted with the permit application for review and shall detail clearly the nature and extent of the work proposed and how it will conform to the provisions of this Code and all other relevant laws, ordinances, rules and regulations. All documents submitted for review shall identify the building number or County Assessor's parcel number and the street name of the work and the names and addresses of the property owner and person or firm who prepared them. All conditions of approval pursuant to the Planning Code shall be shown on the plans or otherwise submitted with the permit application.

B. Content. Unless otherwise approved by the Building Official, plans shall be drawn to a minimum scale of one-fourth (¼) inch to one (1) foot upon digital media as specified by the Building Official or, if approved, upon substantial paper, and shall include a floor plan and a plot plan containing the following information as a minimum:

1. Location and perimeter dimensions of the proposed and existing buildings or additions and other pertinent structures, including orthogonal measurements from property lines and between structures and elevations of finished grade, floors, slabs, the upstream manhole cover; and
2. Proposed and existing site improvements, including drainage facilities, utilities, public and private easements, grading, and paving; and
3. Proposed and existing off-street parking and loading facilities, including parking stall size, angle of parking aisle width, interior circulation, and driveway elevations and proposed gradients; and

4. Location and perimeter dimensions of ground level usable open space as required by the Planning Code; and

5. Location and size of existing and proposed trees and other landscaping and screening as required by City tree ordinances and regulations and other land use provisions; and

6. Addresses of contiguous properties; and

7. Locations, types, and dimensions of foundations, framing, windows, doors, finishes, adjoining rooms and uses, fire assemblies and dampers, fixtures, appliances, equipment, and distribution systems to the extent necessary for verification of compliance with all applicable regulations.

C. Specifications. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of this Code or other laws, ordinances, rules, or regulations.

D. Supplemental Documents. Calculations, testing reports, certifications, computations, conditions of approval, conditions of compliance and other data sufficient to demonstrate the correctness of the plans shall be submitted with the permit application and when otherwise required by the Building Official.

E. Drawings. Plans shall detail clearly how required structural and fire-resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing, fire extinguishing, or communications conduits, pipes, ducts, vents, supports and similar components or systems.

F. Dust Control Measures. A statement that dust will not be generated by the work under the permit shall be placed on the plans, if applicable. If dust will be generated by the work under the permit, then dust control measures shall be required and indicated on the plans. Dust control measures shall be based on "best management practices" as developed by the Building Official or other reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming, sweeping or other means as necessary.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

#### **15.06.1.145 Signing and sealing of plans and other submittal documents.**

A. General. Plans and other submittal documents when submitted with a permit application shall be certified pursuant to this Section. If any requirement of this Section is contrary to State law, the State law shall govern.

B. Nonprofessional. Plans or other submittal documents not required to be prepared by a registered design professional shall be electronically or digitally signed as required by current California Law by the preparer with the index sheet signed by the preparer. Name, address, telephone and email address of preparer shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be signed with at least one (1) copy indicating preparer's name, etc. If a professional has prepared the calculations or a report that requires incorporation into the plans, the professional should appropriately sign the portion of the nonprofessionally prepared plans where the work for which he or she is responsible for has been shown and incorporated into the plans.

C. Registered Design Professional. Plans and other submittal documents prepared by a registered design professional (architect, civil engineer, structural engineer, mechanical engineer, electrical engineer, landscape architect, etc.) shall be electronically or digitally signed, sealed and dated as required by current California Law by the professional with the index sheet signed and sealed by the professional. Name, address, telephone and email address of the professional shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be signed and sealed with at least one copy indicating professional's name, etc. If the professional is responsible for only a portion of the plan sheet (such as only for certain structural items of a building), then appropriate notes on the sheet(s) shall indicate the extent of responsibility with signatures as above. Alternatively, the professional preparing the plans may note on the plans a reference to the calculations or reports prepared by other professionals that were used in preparing the plans.

D. Reports Prepared by a Registered Design Professional. Reports should have an appropriate page where seals, signatures, and date of signage of persons responsible for the report are displayed.

E. Calculations Prepared by a Registered Design Professional. Calculations should have an index sheet where the "seal, signature, and date of signage of person responsible for the calculations are displayed. If there is no index sheet then all the calculation sheets require seal, signature, and date of signage. If the plans for which the calculations were prepared are appropriately signed, sealed, and dated by a different professional then the plan sheets do not require the additional signature of the professional preparing the calculations. If the plans were prepared by a nonprofessional, then the plan sheets where items for which calculations were prepared should be appropriately signed, sealed, and dated by the person preparing the calculations. The professional signing the plans may note on the plans that his or her responsibility is only for the items for which he or she prepared the calculations.

F. Title 24 Energy Compliance Forms. Title 24 Energy Compliance Forms shall be shown on the plans and shall be "wet" or electronically signed as required by current California Law by the appropriate parties.

G. Signatures on Survey and Plot Plan. Surveys and plot plans shall be electronically or digitally signed, sealed and dated as required by current California Law. When approved by the Building Official to receive physical plans, four (4) copies shall be submitted of required boundary and topographic surveys and plot plans. The copies shall be appropriately signed with at least two (2) copies having "wet" signatures and seals. Statements shall also be "wet" signed. The remaining copies shall be signed.

H. Signatures and Seals on Revisions. Signatures and seals on revisions to drawings submitted after permit issuance for revision plan check shall be as required for new submittals. If a revised index sheet with seal and signature is not submitted then all of the revised plan sheets submitted shall be signed and, if appropriate, sealed as required. Revisions of documents prepared and signed by a registered design professional shall be accompanied by written permission of the registered design professional of record acknowledging such changes. Such revisions shall be prepared and signed by a registered design professional as required by current California Law.

I. Corrections During Plan Check. Signatures and seals on revisions or corrections submitted during the plan check shall be as required for new submittals.

#### **15.06.1.150 Persons who may prepare plans.**

A. Definitions. See Section 15.04.1.175 of this Chapter for definitions pertinent to this Section.

B. Limitations of Nonprofessional Designer. The following limitations apply to persons preparing plans and other documents for submittal with an application for building permit:

1. Persons not holding a valid and active engineering or architecture license issued by the State of California may design single-family dwellings and multiple residential buildings containing no more than four (4) dwelling units and with no more than four (4) dwelling units on any single lot. The buildings are limited to conventional wood framed construction with no more than two (2) stories and basement in height. The structure of basement foundations, retaining walls more than four (4) feet high from base of footing to top of wall or with surcharge loads due to vehicles or embankment on top, and/or other unconventional foundation system for these dwellings requires a registered design professional to provide a structural design and structural calculations.

2. Garages or other appurtenant structures, agricultural and ranch buildings of wood framed construction not more than two (2) stories and basement in height.

3. Subject to Building Official's approval, tenant improvements which do not constitute a change of occupancy, and do not affect the safety of any building or its occupants, including, but not limited to, exiting, fire-resistive construction, structural or seismic elements.

#### **15.06.1.155 Expiration or extension of issued permit.**

Every permit issued shall become invalid unless the work on site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. Work which does not receive a major inspection, as further defined in Section 15.04.2.240, and approval or partial approval within one hundred eighty (180) days shall be deemed suspended or abandoned and be subject to abatement action in accordance with Section 15.08.340. Permits shall expire after seven hundred twenty (720) days from date of issuance. The Building Official is authorized, upon payment of fees prescribed in the Master Fee Schedule, to grant in writing, one (1) or more extensions of time, for periods

not more than one hundred eighty (180) days each. The extension request shall be in writing and justifiable cause demonstrated.

#### **15.06.1.160 Suspension or revocation of issued permit.**

The Building Official may suspend or revoke a permit issued under the provisions of this Chapter whenever the permit is issued in error, or on the basis of incorrect or incomplete information supplied or in violation of any law, ordinance, rule, or regulation or any of the provisions of this Chapter, including failure to pay fees, or the building or site becomes or continues to be, a public nuisance as declared by the Building Official, or conditions at the site or in the building become or continue to be in violation of the provisions of this Chapter, any related City of Oakland code or ordinance or any condition of the permit issued hereunder.

#### **15.06.1.165 Fees.**

A. General. Permit, plan review, processing, investigation, abatement and other relevant fees shall be established and assessed in accordance with the Master Fee Schedule and paid to the City of Oakland at time of submittal of the permit application for review or at other times as provided herein. Unpaid fees for work performed may be recovered in the manner prescribed in Section 15.04.1.130 B. of this Code.

B. Additional. Whenever plans, calculations, computations, reports, or other required data are incomplete or changed so as to require additional review and/or processing; or whenever valuation of work has changed or has been re-evaluated based upon inspection, additional fees as established in accordance with the Master Fee Schedule shall be assessed.

C. Refunds.

1. The Building Official may authorize the refunding of fees erroneously assessed and paid.
2. The Building Official may authorize the refunding of not more than eighty (80) percent of fees validly assessed and paid when no work by the City has been done either under a permit application or an issued permit. Fees designated as non-refundable shall not be refunded. Fees validly assessed and paid shall not be refunded more than one hundred eighty (180) days after expiration of a permit application or an issued permit.
3. All requests for refunds shall be submitted on a City of Oakland form and shall be accompanied by the original receipt of payment.

#### **15.06.1.170 Sanitary accommodations for construction workers.**

Every person or firm constructing or repairing any building, structure, or infrastructure on private property or public right-of-way shall provide and maintain toilet facilities for employees and other workers as follows:

A. Prior to issuance of the permit, the permit applicant shall submit evidence for approval that temporary or permanent toilet facilities are provided at or adjacent to the work site.



B. The location of temporary toilet facilities shall be approved by the Building Official. Toilet facilities shall be maintained in accordance with the Alameda County Department of Environmental Health requirements for sanitation and vector control and must have secondary containment as a condition of the National Pollution Discharge Elimination System and the Clean Water Act.

C. Where work is performed in the public right-of-way, temporary toilet facilities may access a manhole directly serving a publicly maintained sewer nearest said work. Such facility shall not obstruct traffic and shall be removed immediately upon completion of said work.

#### **15.06.1.175 Definitions.**

A. Administrative Authority. Wherever reference is made in this Code to "administrative authority," it shall mean the Building Official, except as it relates to the regulations concerning private sewage disposal systems, where it shall mean the Alameda County Health Officer.

B. Building Department. Wherever reference is made in this Code to "Building Department," it shall mean the Bureau of Building of the Planning and Building Department, and its successor in title.

C. Building Official. Wherever reference is made in this Code to "Building Official," it shall mean the Deputy Director, Planning and Building Department, and his or her successor in title, or his or her designated representative.

D. California Building Code. The International Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

E. California Residential Code. The International Residential Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2.5; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

F. California Electrical Code. The National Electric Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 3; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

G. California Mechanical Code. The Uniform Mechanical Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 4; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

H. California Plumbing Code. The Uniform Plumbing Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code

of Regulations (C.C.R.), Title 24, Part 5; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

I. California Energy Code. The California Energy Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 6; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

J. California Wildland-Urban Interface Code. The California Wildland-Urban Interface Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 7; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

K. California Historical Building Code. The International Historical Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 8; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

L. California Existing Building Code. The International Existing Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 10; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

M. California Green Building Standards. The California Green Building Standards is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 11 a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

N. California Referenced Standards. The International Referenced Standards as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 12; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

O. Combination Permit. A combination permit allows the performance of building, electrical, plumbing, and mechanical work under a single permit and may be issued for certain types of work which the Building Official has identified as being appropriate for such consideration. Fees shall be assessed as established in the Master Fee Schedule.

P. Department Having Jurisdiction. Wherever reference is made in this Code to "department having jurisdiction," it shall mean the Bureau of Building, Planning and Building Department, and its successor in title.

Q. Very High Fire Hazard Severity Zone. All of that area within the City as defined by the Fire Marshal of the City of Oakland, including, but not limited to, the area north and east of the following boundaries:

BEGINNING at the MacArthur Freeway at the San Leandro boarder to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Steams Avenue; west on Steams to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Boulevard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple Avenue to Morgan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; west on Morgan Avenue to Coolidge Avenue; North on Coolidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mt. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley.

R. Index Sheet. A sheet located within the first or second sheet of the plan set that lists all drawings and sheet numbers and a description of each drawing that are part of the plan set or other submittal document.

S. Non-Professional. A person that is not licensed or certified by the State of California but is not prohibited by State law from providing a certain service to others or performing certain work for oneself.

T. Oakland Building Construction Code. The Oakland Building Construction Code is the compiled editions of the California Building Standards Codes, California Code of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), Part 8 (Historical Buildings), Part 10 (Existing Buildings), Part 11 (Green Building Standards), and Part 12 (Reference Standards) with local amendments thereto as adopted by the Council of the City of Oakland.

U. Readily Accessible. As defined in the California Plumbing and Mechanical Codes.

V. Sealed (Stamped). Indicates the plan(s) is/are sealed, as required by California Business & Professions Code Sections 5536.1, 5536.2, and 6735, with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Information provided on the seal (stamp) shall be in accordance with California Business & Professions Code Section 5536.1 and Title 16, Section 136 of the California Code of Regulations.

W. Signed. Indicates the originals of the indicated plan(s) have been "wet" or electronically signed and dated as required by Current California Law (and sealed) and the image of such

signing is apparent on the copies of the originals submitted for permit. Also refer to the definition of "wet signed."

X. Surveyor in Responsible Charge. A person who is actively licensed by the State of California to perform boundary and topographic surveys in accordance with the provisions of the California Business and Professions Code, Land Surveyors Act.

Y. "Wet" Signed. Indicates the plan(s) is/are signed with originally applied ink or applied to the print or copy of the plans or other submittal documents or electronically signed and dated as required by current California law, submitted with an application for permit. Also refer to the definition of "signed."

#### **15.06.1.180 Powers and duties of the Building Official.**

A. The Building Official is authorized and directed to enforce all the provisions of this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall conform with the intent and purpose of this Code.

B. In accordance with the prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers, inspectors, other employees, or agents as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

C. When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. When any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

E. The Building Official or his or her authorized representative, charged with the enforcement of this Code, acting 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 rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of

Oakland because of such act or omission performed by the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the City of Oakland.

F. This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical system or equipment regulated herein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or the City of Oakland be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

G. The Building Official may request and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

H. Pursuant to Oakland Municipal Code Section 1.28.010, violations of the provisions of this Code shall be a misdemeanor. The penalty for conviction shall be punishable by the maximum fines and sentence of imprisonment in the County jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the building, structure, portion thereof, or the real property shall, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

## **Article II. Administrative Amendments.**

### **Part 6. Administrative Amendments to the California Energy Code**

#### **15.06.2.600 Prevailing provisions.**

Wherever the provisions of the California Energy Code conflict with the provisions Article I—General Administrative Amendments of this Chapter, the provisions of Article I shall prevail.

### **Part 11 Administrative Amendments to the California Green Building Standards**

#### **15.06.2.1100 Prevailing provisions.**

Wherever the provisions of the California Energy Code conflict with the provisions Article I—General Administrative Amendments of this Chapter, the provisions of Article I shall prevail.

## **Article III Non-Administrative (Technical) Amendments**

**15.06.3.6000 High-Performance Standard for New Residential Buildings, added.**

1. For newly constructed single-family buildings, the total source energy (EDR1) of the Proposed Design Building shall be less than the EDR1 of the Standard Design Building by a compliance margin of 4.5.
2. For newly constructed low-rise multifamily buildings, the energy budget, expressed in terms of source energy, shall be at least eight (8) percent lower than that of the Standard Design Building.

**15.06.3.6005 Enhanced Air Filtration, added.**

1. Newly constructed multifamily residential buildings of two (2) or more habitable floors shall be equipped with mechanical ventilation systems that provide balanced, filtered air to each dwelling unit.
2. The filtration provided shall be rated at a Minimum Efficiency Reporting Value (MERV) of 16 or shall have a particle size efficiency rating equal to or greater than 50 percent in the 0.3–1.0 micrometer range and equal to or greater than 85 percent in the 1.0–3.0 micrometer range.

**15.06.3.6010 Alterations to Existing Residential and Multi-Unit Residential Buildings, added.**

- 1. The mandatory provisions of this section shall apply to alterations of existing residential buildings or dwelling units for which a building permit application is submitted and where the total construction valuation exceeds twenty-five thousand dollars (\$25,000).**

**All projects:**

**Electrical Panel Readiness Assessment**

Evaluate the main electrical service panel to determine its capacity to support full electrification of the building. This includes assessing readiness for converting existing gas systems to electric, installing one low-amperage 120-volt or 240-volt electric vehicle (EV) charger if dedicated onsite parking is available, and integrating commercially available, power-efficient design measures such as circuit-sharing or circuit-pausing devices. Load calculations should be performed in accordance with California Electrical Code Article 220.83 or 220.87 to document the panel's ability to accommodate potential future electrical loads.

**Projects subject to this section shall in addition to the above, install any two (2) of the following measures:**

- a. Heat Pump Water Heater Ready**, as specified in Section 150.0(n)1 or 160.9(e), 160.9(f) of the California Energy Code.
- b. Heat Pump Space Heater Ready**, as specified in Section 150.0(t) or 160.9(b) of the California Energy Code.

**c. Electric Cooktop Ready**, as specified in Section 150.0(u) or 160.9(c) of the California Energy Code. For existing buildings, it shall be acceptable to install a dedicated 120V 20A receptacle behind an existing gas range, for installation of a future power managed electric range.

**d. Electric Clothes Dryer Ready**, as specified in Section 150.0(v) or 160.9(d) of the California Energy Code. For smaller buildings with room for only a single machine it shall be acceptable to provide a combination NEMA 5-20/NEMA 6-20 receptacle for a future all-in-one washer and heat pump dryer.

**e. Level 1 or Level 2 EV Charger Ready.** Install a dedicated 120-volt or 240-volt branch circuit and receptacle for a future Level 1 or Level 2 Electric Vehicle charger. Provision of 1” trade size conduit to a suitable EV charging location, and a reserved breaker shall be sufficient, allowing for future load management means wires to be pulled. If the home has both driveway parking and garage parking, conduit must be pulled to both locations.

**f. Attic and wall insulation.** Install attic and wall insulation in attic and walls as per prescriptive requirements for the buildings framing. However, for wall insulation on older stucco homes the applicant must demonstrate the walls have sufficient integrity of the water barrier, to avoid wet insulation failure.

**g. Energy Storage Systems (BESS)** ready as specified in Section 150(s) of the California Energy Code. Buildings with an existing ESS cannot use this item.

**h. Solar System** ready as specified in Section 150(r) of the California Energy Code. Meeting all requirements of Section 110.10 applicable to the building project.

**Exemptions:** 1) Buildings constructed on or after January 1, 2023 are exempt from all requirements, as these buildings are substantially more energy-efficient than older buildings, 2) Panel capacity is not required to exceed the existing utility electrical service to the building to meet the requirements of this section., 3) Emergency housing, 4) ADU conversions pursuant to Government Code 66323, 5) Structural only alterations such as foundation replacement, 6) Non-interior alterations such as exterior cladding replacement/repairs, windows, decks.

### **15.06.3.6015**

Reserved

## **AMENDMENTS TO OAKLAND MUNICIPAL CODE CHAPTER 15.04 Part 11 (2025 CALIFORNIA GREEN BUILDING STANDARDS CODE)**

### **15.06.3.11000 Prevailing provisions.**

Wherever the provisions of the California Green Building Standards Code conflict with the provisions of City of Oakland Municipal Code Chapter 18.02—Sustainable Green Building Requirements for Private Development, the provisions resulting in the greater number of electric vehicle service equipment and electric vehicle charging stations shall prevail.

### **15.06.3.11000 CGBSC Section 301.1.1 amended**

Delete Section 301.1.1 of the California Green Building Standards Code, in its entirety and replace with "The mandatory provisions of Chapter 4 shall be applied to all additions regardless of if the space is conditioned or not and to all alterations with a valuation equal to or greater than \$25,000 and shall apply to all residential buildings as per CGBSC 301.2"

### **15.06.3.11010 Section CGBSC 4.106.4.2.5 Identification, added**

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV READY" for foil circuits and otherwise "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV READY" for foil circuits and otherwise "EV CAPABLE."

Notes:

1. The California Department of Transportation adopts and publishes the "California Manual on Uniform Traffic Control Devices (California MUTCD)" to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives Number 13-01. Website: <http://www.dot.ca.gov/trafficops/policy/13-01.pdf>.
2. See Vehicle Code Section 22511 for EV charging space signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research (OPR) published a "Zero-Emission Vehicle Community Readiness Guidebook" which provides helpful information for local government, residents and businesses. Website: <https://www.opr.ca.gov/docs/ZEV-Guidebook.pdf>.

### **15.06.3.11015 CGBSC Section 4.106.4.2.6 added.**

In Section 4.106.4.2 of the California Green Building Standards Code, add new subsection 4.106.4.2.6:

4.106.4.2.6 Chapter 11B Accessible EVCS requirements.

Construction documents shall indicate how many accessible EVCS would be required under Title 24 Chapter 11B Table 11B-228.3.2.1, if applicable, in order to convert all EV capable and EV ready spaces required under 4.106 to EVCS. Construction documents shall also demonstrate that the facility is designed so that compliance with accessibility standards including 11B-812.5 accessible routes will be feasible for the required accessible EVCS at the time of EVCS installation. Surface slope for any area designated for accessible EVCS shall meet slope requirements in section 11B-812.3 at the time of original building construction and vertical clearance requirements in Section 11B-812-4.



Note: Section 11B-812 of the 2022 California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1. Chapter 11B applies to certain facilities including, but not limited to, public accommodations and publicly funded housing (see section 1.9 of Part 2 of the California Building Code). Section 1 IB-812.4 requires that "Parking spaces, access aisles and vehicular routes serving them shall provide a vertical clearance of 98 inches (2489 mm) minimum." Section 1 IB-812.3 requires that parking spaces and access aisles meet maximum slope requirements of 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction at the time of new building construction or renovation. Section 1 IB-812.5 contains accessible route requirements. Section 4.106.4.2.7 requires that developers meet certain aspects of accessibility requirements at the time of new construction.

**15.06.3.11020 Section CGBSC 5.106.5.3.4 Identification, added.**

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV READY" for full circuits and otherwise "EV CAPABLE." The raceway termination location shall be permanently and visibly marked as "EV READY" for full circuits and otherwise "EV CAPABLE."

### **15.06.3.11025 CGBSC Section 5.106.5.3.6 added.**

In Section 5.106.5.3 of the California Green Building Standards Code, add new subsection 5.106.5.3.56:

#### **5.106.5.3.5 Chapter 11B Accessible EVCS requirements.**

Construction documents shall indicate how many accessible EVCS would be required under Title 24 Chapter 11B Table 11B-228.3.2.1, if applicable, in order to convert all EV capable and EV ready spaces required under 5.106.5.3 to EVCS. Construction documents shall also demonstrate that the facility is designed so that compliance with accessibility standards including 1 IB-812.5 accessible routes will be feasible for the required accessible EVCS at the time of EVCS installation. Surface slope for any area designated for accessible EVCS shall meet slope requirements in section 1 IB-812.3 at the time of original building construction and vertical clearance requirements in Section 1 IB-812.4.

Note: Section HB-812 of the 2022 California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1. Chapter 11B applies to certain facilities including, but not limited to, public accommodations and publicly funded housing (see section 1.9 of Part 2 of the California Building Code). Section 11B-812.4 requires that "Parking spaces, access aisles and vehicular routes serving them shall provide a vertical clearance of 98 inches (2489 mm) minimum." Section 11B-812.3 requires that parking spaces and access aisles meet maximum slope requirements of 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction at the time of new building construction or renovation. Section 1 IB-812.5 contains accessible route requirements. Section 5.106.5.3.5 requires that developers meet certain aspects of accessibility requirements at the time of new construction.

### **15.06.3.11030 CGBSC Section A5 405.5 added**

Adopt Appendix A5 Section 405.5 Cement and Concrete in its entirety.

### **15.06.3.11035**

**Reserved**

## SECTION 5 - Applicability.

**A. Construction and Severability.** Should any article, part, section, subsection, sentence, clause, or phrase of this Ordinance be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect. The City Council hereby declares that it would have approved and adopted this ordinance and each article, part, section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more articles, parts, sections, subsections, sentences, clauses, phrases or other parts be declared unconstitutional.

**B. Effective and Operative Dates.** This emergency ordinance shall become effective on and after its adoption by sufficient affirmative votes of the City Council, as provided in the Charter of the City of Oakland, Section 216. This Ordinance shall take effect and be in full force on and following January 1, 2026.

**C. Conforming Changes.** The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Amendments in the Oakland Municipal Code.

**D. Authorization to File.** Upon final passage of this emergency ordinance, the Building Official of the City of Oakland is hereby directed to file a copy of the emergency ordinance adopting these local amendments, along with a copy of said companion Resolution of Findings, with the California Building Standards Commission before September 30, 2025 pursuant to 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

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED

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

BPM

## NOTICE AND DIGEST

**AN EMERGENCY ORDINANCE: (1) REPEALING THE OAKLAND AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA ENERGY CODE (TITLE 24, PART 6) AND THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE (TITLE 24, PART 11), (2) AN ORDINANCE ADOPTING AMENDMENTS TO THE OAKLAND MUNICIPAL CODE TO MAKE CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2025 CALIFORNIA ENERGY CODE (TITLE 24, PART 6) AND THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE (TITLE 24, PART 11) RELATED TO BUILDING DECARBONIZATION, ENERGY EFFICIENCY, AND PUBLIC HEALTH, AND (3) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS**

This emergency ordinance serves to repeal the 2002 Oakland local amendments related to the 2022 Green Building Code (Title 24, Part 11) and the 2022 California Energy Code (Title 24, Part 6) and to adopt Oakland Municipal Code (“O.M.C.”) Chapter 15.06, which is new local amendments to the 2025 California Green Building Code (Title 24, Part 11) and 2025 California Energy Code (Title 24, Part 6) related to Building Decarbonization, Energy Efficiency, and Public Health. The Council also adopted California Environmental Quality Act (“CEQA”) exemption findings confirming that this action is exempt from CEQA.