



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning &
Building Department

SUBJECT: Local Amendments to 2025 California
Model Building Construction Codes

DATE: September 8, 2025

City Administrator Approval


Jestin Johnson (Sep 11, 2025 15:19:40 PDT)

Date: Sep 11, 2025

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces of Legislation:

- (1) An Ordinance: (1) Repealing The Oakland Amendments To The 2022 Edition Of The California Model Building Construction Codes, (2) Adopting Local Amendments To The 2025 Edition Of The California Model Building Construction Codes, (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes to State Law, And (4) Adopting California Environmental Quality Act Exemption Findings; and**
- (2) A Resolution Of Findings Supporting Passage of An Ordinance: (1) Repealing The Oakland Amendments To The 2022 Edition Of The California Model Building Construction Codes; (2) Adopting Local Amendments To The 2025 Edition Of The California Model Building Construction Codes; (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law; And (4) Adopting California Environmental Quality Act Exemption Findings.**

EXECUTIVE SUMMARY

The proposed actions to make findings and approve an ordinance adopting and modifying the 2025 Edition of the California Model Construction Codes would adopt changes required by State law and make additional amendments specific to the City of Oakland (City) based on local conditions. The updates are mandated by State law to be in place as of January 1, 2026. The additional local amendments are proposed as a result of local climatic, seismic, topographic, and/or geologic conditions. The proposed modifications to the 2025 California Model Building Construction Codes would satisfy and exceed State requirements and are reasonably necessary because of specified local conditions.

BACKGROUND / LEGISLATIVE HISTORY

State law establishes statewide building standards code, known as the California Model Building Standards Code and is part of the California Health and Safety Code (HSC). HSC regulations are located in the California Code of Regulations, Title 24. Within State law there are various provisions establishing requirements and building standards for the various types of buildings, building uses, features and equipment.

The first provision relating to building standards is known as the California Building Standards Law at HSC Division 13, Part 2.5, commencing with Section 18901. These provisions govern the work of the California Building Standards Commission (CBSC), the process by which Title 24 is adopted and published by the CBSC and applies to all building occupancies throughout California.

The second provision is known as the State Housing Law at HSC Division 13, Part 1.5, commencing with Section 17910. Part 1.5 establishes authority for the State Department of Housing and Community Development (State HCD) to develop and propose building standards applicable to residential occupancies, including hotels, motels, lodging houses, apartment houses, and dwellings. Such proposals are presented to CBSC for adoption and publication in Title 24. Additionally, State HCD has adopted administrative regulations (not building standards) to implement the State Housing Law, which are located in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1.

The State of California adopts new California Model Building Construction Codes every three years that go into effect throughout the State 180 days after publication. The California Model Building Construction Codes are contained in Title 24 of the California Code of Regulations and consist of several parts that are based upon model codes with amendments made by various State agencies. The California Model Building Construction Codes will go into effect throughout California on January 1, 2026.

Local jurisdictions are required to enforce the California Model Building Construction Codes, and may adopt local amendments with more stringent standards when reasonably necessary based on local climatic, geologic, and topographic conditions (HSC Sections 17958, 17958.5 and 17958.7). Amendments may be administrative, such as adopting the City's Master Fee Schedule, and non-administrative, such as adopting special design standards in the Oakland Hills Fire Hazard Zone. Non-administrative amendments must be no less restrictive than statewide regulations and must be supported by a resolution of findings based on local climatic, topographic, and geologic conditions.

With the enactment of Assembly Bill 130 (AB130), 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. 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.

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 AB130. This deadline supersedes the

previously standard January 1 submission date.

To meet this timeline, the proposed ordinance must be adopted by emergency ordinance pursuant to City Charter section 213 in order to become effective following the first reading. Emergency ordinances require the City Council to make a finding that the ordinance is necessary to protect the public health, safety, and welfare. Here, given the City may not be able to impose certain local amendments related to residential buildings, the City must be assured that such local amendments comply with AB 130 and as such shall become effective before September 30, 2025. If the City misses this deadline, it may be foreclosed from bringing local amendments for another six (6) years, or longer.

ANALYSIS AND POLICY ALTERNATIVES

The proposed Ordinance would repeal the prior version of the California Model Building Construction Codes and adopt the 2025 California Model Building Construction Code, including making additional local administrative and technical amendments, as fully set forth in the accompanying ordinance.

The local administrative amendments accomplish the following objectives:

- Establish permitting requirements to ensure public safety and accessibility;
- Establish permit refund procedures and streamline the appeals process;
- Substitute the City's Master Fee Schedule for the Model Codes' prescriptive fee tables;
- Conform requirements to California law for construction drawings, engineering calculations, installation specifications, and licensed designer preparation; and
- Unify the administrative sections of ten (10) Model Codes (administered by three (3) independent authorities) into a single, non-conflicting, legally consistent document.

In addition to the administrative amendments, the proposed Ordinance includes technical amendments. The HSC requires that local technical amendments be equivalent to or more stringent than the Model Construction Codes and that before making any changes or modifications to the Model Construction Codes, the governing body, in this case the City Council, must make an express finding that each such change be reasonably necessary because of specified topographic, seismic, climatic, or geologic conditions unique to the jurisdiction.

The proposed technical amendments accomplish the following general objectives:

- Establish minimum structural requirements for residential seismic safety;
- Establish requirements for grading and fire-rated construction in the Oakland Hills;
- Clarify conflicting building, plumbing, mechanical, and electrical requirements for commercial and residential construction.

The findings to support these technical amendments are provided in the Resolution of Findings before the City Council for consideration.

The proposed amendments represent a continuation of modifications adopted by the City Council over the past 32 years. They are designed to maintain alignment with the California Model Building Standards Code while advancing key citywide priorities of **promoting housing production, addressing climate resilience, holistic community safety** and **supporting vibrant sustainable infrastructure**.

FISCAL IMPACT

There is no fiscal impact to the City. This is an administrative action mandated by State law. Resources from existing budgeted staff will continue to enforce the Model Construction Codes as amended by the City Council.

PUBLIC OUTREACH / INTEREST

City staff provided two successive weekly notices in a newspaper of general circulation, the Alameda Times-Star, on September 5, 2025 and September 12, 2025 and the Oakland Tribune on September 12, 2025 pursuant to Government Code section 6066.

COORDINATION

This report was written in coordination with the Office of the City Attorney, the Planning and Building Department, and the Budget Office

SUSTAINABLE OPPORTUNITIES

Economic: City amendments to the Model Construction Codes support housing and commercial development opportunities for new and remodeled building construction.

Environmental: City amendments to the Model Construction Codes include development permitting requirements for compliance with City and regional “Best Management Practices” for reducing storm water runoff pollutants, construction debris disposal, nuisance noise, and dust. They also promote wildfire safety in the Oakland Hills.

Race and Equity: City amendments to the Model Construction Codes ensure that new and existing buildings are built in a code compliant manner thereby providing safe and healthy buildings for all residents. These amendments are in alignment with O.M.C. 2.29.17.B.10 which direct departments to support “housing for all people that is safe, affordable, high quality and healthy. “

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff has made the determination that the proposed amendments are exempt from the California Environmental Quality Act pursuant to 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 provides a separate and independent basis for CEQA compliance and, when viewed individually or collectively, provide a basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council Conduct A Public Hearing and Upon Conclusion Adopt The Following Pieces of Legislation:

- (1) An Ordinance: (1) Repealing The Oakland Amendments To The 2022 Edition Of The California Model Building Construction Codes, (2) Adopting Local Amendments To The 2025 Edition Of The California Model Building Construction Codes, (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes to State Law, And (4) Adopting California Environmental Quality Act Exemption Findings; and
- (2) A Resolution Of Findings Supporting Local Amendments To The 2025 Edition Of The California Building Standards Code To Comply With Changes To State Law And Adopting California Environmental Quality Act Exemption Findings.

For questions regarding this report, please contact Cecilia Muela, Interim Deputy Director/Building Official at (510) 238-6315.

Respectfully submitted,



William Gilchrist (Sep 11, 2025 10:07:03 PDT)

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