



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: William Gilchrist
Director, Planning &
Building Department

SUBJECT: Local Amendments to 2022 California
Model Building Construction Codes

DATE: November 17, 2022

City Administrator Approval

Date: Nov 17, 2022

RECOMMENDATION

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

Resolution Of Findings Supporting Local Amendments To The 2022 Edition Of The California Model Building Construction Codes To Comply With Changes To State Law And Adopting California Environmental Quality Act Exemption Findings; And

Ordinance (1) Repealing The Oakland Amendments To The 2019 Edition Of The California Model Building Construction Codes; (2) Adopting Local Amendments To The 2022 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 2022 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, 2023. The additional local amendments are proposed as a result of local climatic, seismic, topographic, and/or geologic conditions. The proposed modifications to the 2022 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.

CED Committee
November 29, 2022

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 (SHL), which is located in HSC Division 13, Part 1.5, commencing with Section 17910. Part 1.5 establishes authority for the State Department of Housing and Community Development (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, 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, 2023.

Local jurisdictions are required to enforce the California Model Building Construction Codes, but 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. The Ordinance and Resolution of findings establishing the amendment(s) must be adopted by the City Council and received by the State Building Standards Commission in Sacramento before the January 1st deadline.

The proposed amendments are an evolution of the same modifications that the City Council has adopted in the previous twenty-nine (29) years for the Model Construction Codes.

The adoption of this ordinance and findings aims to meet the following two **citywide priorities** of achieving **holistic community safety** and **supporting vibrant sustainable infrastructure**.

ANALYSIS AND POLICY ALTERNATIVES

The proposed Ordinance would repeal the prior version of the California Model Building Construction Codes and adopt the 2022 California Model Building Construction Code, including making additional administrative and technical amendments.

The administrative amendments accomplish the following objectives:

- Establish permit refund procedures and streamline the appeals process;
- Refine remote (“virtual”) inspections using electronic media provided by permittees;
- 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 supplemental requirements for sustainable green building construction;
- 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 Council for consideration.

FISCAL IMPACT

There is no fiscal impact. 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.

PUBLIC OUTREACH / INTEREST

The item was posted on the City’s website and noticed in the East Bay Times. Additionally, staff has done outreach to the general public with direct mailing, website and public counter postings, and information meetings.

COORDINATION

The Office of the City Attorney and the Budget Office have reviewed this report and legislation.

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 support the construction of affordable housing and economic revitalization policies of the City. The Model Construction Codes also include technical standards for the state handicapped accessibility requirements in new and remodeled buildings.

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, provides an overall basis for CEQA compliance.

ACTION REQUESTED OF THE CITY COUNCIL

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

- 1) A Resolution Of Findings Supporting Local Amendments To The 2022 Edition Of The California Building Standards Code To Comply With Changes To State Law And Adopting California Environmental Quality Act Exemption Findings; And
- 2) An Ordinance (1) Repealing The Oakland Amendments To The 2019 Edition Of The California Building Standards Code, (2) Adopting Local Amendments To The 2022 Edition Of The California Building Standards Code, (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law; And (4) Adopting California Environmental Quality Act Exemption Findings.

For questions regarding this report, please contact Christopher Ragland, Deputy Director/Building Official at (510) 238-6435.

Respectfully submitted,



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