



CITY OF OAKLAND

AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Planning and Building
Department

SUBJECT: Adoption of a Federally Compliant
Floodplain Management Ordinance
And Flood Hazard Maps

DATE: April 9, 2026

City Administrator Approval


Jestin Johnson (Apr 9, 2026 20:11:19 PDT)

Date: Apr 9, 2026

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance: (1) Repealing Ordinance No. 12960 C.M.S. And Replacing It With The Addition Of Oakland Municipal Code (O.M.C.) Chapter 15.80 To Serve As the City's New Floodplain Management Ordinance With The Inclusion Of References To Flood Hazard Maps; (2) Authorizing The City Administrator To Designate A Floodplain Administrator To Administer And Develop Regulations In Support Of The Chapter; And (3) Adopting Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Adoption of this proposed Ordinance is necessary to maintain the City of Oakland ("City") participation in the National Flood Insurance Program ("NFIP"), which enables property owners to obtain federally backed flood insurance and ensures eligibility for certain forms of federal disaster assistance.

This Ordinance updates the Oakland Municipal Code ("O.M.C.") to reflect current Federal Emergency Management Agency ("FEMA") regulations and best practices adopted by comparable California jurisdictions. The proposed amendments establish updated building and construction standards, including elevation and floodproofing requirements, clarify permitting procedures for development within Special Flood Hazard Areas ("SFHAs"), and designate administrative authority for implementation of the Ordinance and building and construction standards.

Failure to adopt compliant regulations may result in suspension from the NFIP, exposing property owners and the City to significant financial risk. The deadline to adopt this Ordinance is **May 25, 2026**.

BACKGROUND / LEGISLATIVE HISTORY

The City participates in the NFIP pursuant to federal regulations codified at 44 C.F.R. Parts 59 through 78. Participation requires adoption and enforcement of local Floodplain Management regulations consistent with FEMA standards.

FEMA periodically updates Flood Insurance Rate Maps (“FIRMs”) and requires participating jurisdictions to adopt conforming ordinances. The City’s existing regulations require updating to reflect current FEMA mapping and regulatory requirements.

Peer jurisdictions, including the Cities of San Francisco, San José, Sacramento, and Los Angeles, have recently updated their floodplain regulations to incorporate FEMA requirements and additional resilience measures such as freeboard and enhanced permitting standards.

REASON FOR URGENCY

The need to take immediate action came to the attention of the local body after the 10-day agenda was posted. An immediate action is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting; or relates to federal or state legislation; or relates to ceremonial or commendatory item.

ANALYSIS AND POLICY ALTERNATIVES

Analysis Key Provisions of the Ordinance

The proposed Ordinance would:

- Adopt FEMA Mapping: Incorporate current FIRMs and Flood Insurance Study data by reference and define Special Flood Hazard Areas (“SFHAs”);
- Establish Development Standards: Require elevation of residential structures to Base Flood Elevation (“BFE”) plus freeboard and require floodproofing of non-residential structures;
- Regulate Floodways: Prohibit or limit encroachments that would increase flood risk;
- Require Floodplain Development Permits: Establish permit requirements, including submittal of technical documentation such as elevation certificates;
- Apply Substantial Improvement Standards: Require compliance when improvements exceed 50 percent of the structure’s market value;
- Designate Administrative Authority: Assign implementation and enforcement responsibilities through City Administrator administrative instruction authority; and
- Provide Variance Procedures: Establish criteria consistent with FEMA regulations.

Policy Alternatives

Alternative 1: Adopt the Proposed Ordinance (Heavily Preferred Alternative)

Staff recommends adoption of the proposed Ordinance since it complies with the NFIP, incorporates current FIRMs and Flood Insurance Study data by reference and defines SFHAs, achieving Federal regulatory compliance while maintaining reasonable local development standards. City staff and the City Attorney's Office worked with Federal and State regulatory officials to ensure the Ordinance complies with all standards necessary for Oakland to remain in the NFIP program. Any substantial revisions may risk the City not having a compliant Ordinance in time for the May 25, 2026 deadline for compliance.

Alternative 2: Do Not Adopt the Ordinance

This alternative would result in the City's noncompliance with NFIP requirements and potential suspension from the program. Suspension would render properties ineligible for federally backed flood insurance and may limit access to federal disaster assistance.

Alternative 3: Adopt More Stringent Standards

The City could adopt higher regulatory standards (e.g., increased freeboard). While this would further reduce flood risk, it may increase development costs and affect project feasibility for development in flood hazard areas. This alternative is not recommended because it would result in unpredictable development costs across a range of development throughout Oakland, including housing during the State housing crisis.

Summary/Recommendation:

Staff recommends adoption of the proposed Ordinance as it achieves compliance while maintaining reasonable development standards.

COMPLIANCE WITH EQUITABLE CLIMATE ACTION PLAN ("ECAP")

The proposed Ordinance is consistent with and advances the goals and policies of the City of Oakland's Equitable Climate Action Plan ("ECAP"), particularly within the Adaptation and Resilience framework. The Ordinance establishes a comprehensive regulatory program governing development within identified flood hazard areas, including requirements for flood-resistant construction, limitations on grading and fill, and protections for natural floodplain functions. These provisions directly implement ECAP strategies calling for climate-resilient land use planning and infrastructure siting, and reduce exposure to flooding hazards associated with sea level rise and extreme storm events. By requiring new development and substantial improvements to account for flood risk and to be compliant with the NFIP, the Ordinance supports the City's broader efforts to protect critical infrastructure and vulnerable communities from the increasing impacts of climate change (See Actions TLU-3 and A-5).

The Ordinance also advances ECAP policies promoting nature-based and ecosystem-based adaptation strategies. The regulations governing alteration of floodplains, waterways, and shorelines are designed to preserve the natural and beneficial functions of these systems, including stormwater absorption, erosion control, and habitat support. By limiting development practices that may increase erosion or divert floodwaters, the Ordinance aligns with ECAP policies calling for the protection of urban watersheds and incorporate green infrastructure as a key climate adaptation tool. These provisions provide important co-benefits identified in the ECAP, including improved water quality, enhanced urban biodiversity, and reduced urban heat island effects, while also reducing long-term flood risk.

Finally, the Ordinance supports ECAP goals related to equity, community resilience, and fiscal sustainability. By minimizing flood damage to public and private property, reducing the need for emergency response and long-term recovery expenditures, and maintaining compliance with the National Flood Insurance Program (“NFIP”), the Ordinance helps stabilize the City’s fiscal resources and ensures continued access to flood insurance for property owners. The Ordinance’s emphasis on risk awareness, permitting oversight, and coordinated administration also promotes informed decision-making and reduces disproportionate climate impacts on frontline communities. Collectively, these outcomes further the ECAP’s overarching objective of building a more resilient, equitable, and climate-ready Oakland.

Please refer to the ECAP Actions listed at the following link:

<https://www.oaklandca.gov/files/assets/city/v/1/city-administrator/documents/sustainability/list-of-ecap-actions.pdf>.

COMPLIANCE WITH ECONOMIC DEVELOPMENT ACTION PLAN

The proposed Ordinance complies with the City’s Economic Development Action Plan (“EDAP”) based on the following:

- **Economic Growth.** The proposed Ordinance supports the City’s economic growth goals, including EDAP strategies to strengthen Oakland’s business climate, improve predictability in the development process, and support access to capital (see EDAP, Economic Growth, Strategies 2.1 and 2.3). By requiring development to account for flood risk upfront, the ordinance reduces the likelihood of costly disruptions, property damage, and business interruption over time. Continued compliance with the National Flood Insurance Program (“NFIP”) helps ensure that property owners and businesses retain access to flood insurance, which is critical for financing and long-term viability, consistent with EDAP strategies to support business stability and investment. The ordinance also provides a clear and consistent regulatory framework, advancing EDAP objectives to streamline permitting and create a more reliable environment for economic activity.
- **Place and Community Investment.** The ordinance also advances EDAP goals related to place-based investment by protecting existing neighborhoods, infrastructure, and commercial corridors, consistent with strategies focused on neighborhood stability and infrastructure investment (see EDAP, Place and Community Investment, Strategies 3.1 and 3.3). By establishing clear standards for development in flood-prone areas, it supports

reinvestment while reducing long-term risk, particularly in vulnerable communities. The ordinance reduces future public costs associated with flood damage and emergency response, aligning with EDAP strategies to prioritize efficient infrastructure investment and long-term resilience. These outcomes support sustained neighborhood vitality and equitable distribution of public and private investment across Oakland.

FISCAL IMPACT

Adoption of this Ordinance would not have a significant direct fiscal impact on the City. However, failure to adopt Federal and State-compliant Floodplain Management regulations could result in:

- Loss of access to federally-backed flood insurance for the City's property owners who are located in flood-prone areas;
- Increased disaster recovery costs; and
- Potential adverse impacts on property values within flood-prone areas, which would negatively impact property tax revenue and real estate transfer taxes.

PUBLIC OUTREACH / INTEREST

The proposed Ordinance primarily implements federally-mandated requirements. City Staff has coordinated with relevant City departments, including the City Attorney's Office, as well as staff from the City Administrator's Office, Planning & Building Department, and Public Works Department. Additional outreach may be conducted to inform affected property owners and development stakeholders once the Ordinance is adopted so that private citizens are aware of the newly adopted regulations. The Ordinance delegates authority to the City Administrator or their designee to adopt implementing regulations that help explain the Ordinance requirements and newly adopted standards.

CLIMATE ACTION / ENVIRONMENTAL JUSTICE IMPACTS

The Ordinance supports the City's climate adaptation and resilience goals by reducing exposure to flood hazards. Flood risks disproportionately affect vulnerable communities, and adoption of updated standards promotes long-term environmental and economic stability in the City, while also permitting the City and private citizens to take advantage of Federal funding that may assist in flood disaster prevention and relief.

RACE AND EQUITY

The proposed Ordinance supports the City's race and equity goals by reducing flood risk in frontline communities that are often hit first and hardest by climate impacts. By requiring safer building practices and limiting risky development in flood-prone areas, it helps prevent damage and displacement that can deepen existing inequities. The Ordinance will also serve to improve transparency by making sure residents and property owners have clear information about flood

risk. At the same time, it reduces long-term public costs from flood damage and emergency response, helping to preserve Federal and State resources for priority communities. The consistent permitting and enforcement framework promotes fair and uniform application across neighborhoods. Overall, the Ordinance is a practical step toward a more resilient and equitable Oakland and will ensure property owners are able to participate in the NFIP, which helps provide affordable flood insurance to property owners.

COORDINATION

This report and the proposed Ordinance have been prepared in coordination with the Planning & Building Department, Public Works Department, and the Office of the City Attorney.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

This proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to:

- CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment); and
- CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption).

Each of the foregoing provides a separate and independent basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council:

1. Adopt this Ordinance amending the Oakland Municipal Code to update the City's Floodplain Management regulations; and
2. Authorize the City Administrator or designee to take actions necessary to implement the Ordinance and maintain compliance with NFIP requirements.

Jestin D. Johnson, City Administrator

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For questions regarding this report, please contact Cecilia Muela, Chief Building Official, at (510) 238-6315 and cmuela@oaklandca.gov.

Respectfully submitted,



William Gilchrist (Apr 9, 2026 15:21:19 PDT)

William Gilchrist
Director, Planning and Building Department

Reviewed and Prepared by:
Cecilia Muela, Chief Building Official

ATTACHMENTS (2)

- **Attachment A**: Ordinance Amending the Oakland Municipal Code (Floodplain Management); and
- **Attachment B**: FEMA Flood Insurance Rate Maps (“FIRMs”)