



Office of the City Manager

CONSENT CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Department of Planning and Development

Subject: Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

RECOMMENDATION

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; schedule a Public Hearing, pursuant to state law, for the second reading on November 18, 2025; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2025 California Building Standards Code, and rescinding Resolution No. 71,320–N.S.

SUMMARY

The purpose of this report is to provide background on the 2025 California Building Standards Code, identify key changes from the 2022 midcycle adoption to 2025 Code editions, and summarize the proposed local amendments which include:

- Amendment to the 2025 California Building Code Part 1, to clarify and provide consistency between the codes for fire resistive requirements supporting fire-rated construction.
- Adoption of the 2025 California Building Code Part 2 Appendix H Signs, to provide specific code provisions for the installation of signs.
- Amendment to the 2025 California Electrical Code Part 3, clarifying the separation requirement for conductors of different services, to provide additional safety to service personnel when working on electrical equipment.
- Retain previously adopted local amendments to the 2022 California Building Code Part 2 with Mid-Cycle Supplement, to retain Berkeley's more stringent requirements for repairs to existing buildings, technical amendments to structural

standards, Exterior Elevated Elements (E3) technical amendments, and Emergency Housing, and readopting Appendices I – Patio Covers, J - Grading and Q – Emergency Housing.

- Retain previously adopted local amendments to the 2022 California Residential Code Part 2.5 with Mid-Cycle Supplement, to retain Berkeley’s more stringent requirements for technical structural standards, Climatic and Geographic Design Criteria, and readopting Appendices BB - Tiny Houses, BF - Patio Covers, Appendix BI - Light Straw-Clay Construction, Appendix BJ - Strawbale Construction, Appendix BK - Cob Construction (Monolithic Adobe), and Appendix CI Swimming Pool Safety Act.
- Retain previously adopted local amendments to the 2022 California Plumbing Code Part 5 with Mid-Cycle Supplement, to require installation of motion activated gas shut-off valves in construction of new buildings, and alterations or additions to existing buildings containing fuel gas piping for which a mechanical or plumbing permit is issued.
- Retain previously adopted local amendments to the 2022 California Green Buildings Standards Code (CALGreen) Part 11 with Mid-Cycle Supplement, to retain Berkeley’s more stringent electric vehicle charging requirements in all building types, reduction in cement use, and construction waste management.

The 2022 California Building Standards Code with Mid-Cycle Supplement, with local amendments, is currently adopted in the Berkeley Municipal Code, Title 19 under Ordinance 7,906-N.S., as the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical, Existing and Green Codes (Berkeley Building Codes).

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the 2025 California Buildings Standards Code, with the proposed local amendments, will have the typical fiscal impacts for staff training, purchase of new code books and reference material, updates to public facing forms and documents, and other administrative tasks.

CURRENT SITUATION AND ITS EFFECTS

As part of a regular three-year cycle, the State Building Standards Commission has published the 2025 California Building Standards Code that must go into effect no later than January 1, 2026. The California Building Standards Code (California Code of Regulations, Title 24) includes the Building Code (Part 2), Residential Code (Part 2.5), Electrical Code (Part 3), Mechanical Code (Part 4), Plumbing Code (Part 5), Energy Code (Part 6), Historical Code (Part 8), Existing Building Code (Part 10), and Green Building Standards Code (Part 11). The Codes provide for minimum uniform standards

for health and safety related to the built environment and for their enforcement through a system of permits, plan review, and inspections.

The ordinance proposed for Council adoption, supported by the resolution of findings, provides for the adoption of the referenced California Codes along with certain local amendments, effective January 1, 2026. If this ordinance does not become effective by January 1, 2026, the 2025 California Building Standards Code will automatically become effective on that date, and the City will not be able to maintain or implement the local amendments tailored to Berkeley. The last day to file for a building permit to be reviewed under the current 2022 Codes will be Wednesday, December 31, 2025.

The City's building-related codes include local amendments reflecting operations and local climatic, geological, and topographical conditions that need to be included as part of the adoption of the new code. Under state law, local jurisdictions may adopt other administrative provisions appropriate to the locality and may adopt stricter code provisions for non-residential construction if justified by findings of local climatic, geological, or topographical conditions. With the passage of AB-130, local jurisdictions may only adopt modifications affecting residential construction if they are substantially similar to previously adopted modifications that were in effect prior to September 30, 2025, with limited exceptions.

Staff are currently working to develop new local reach codes that would establish stricter requirements related to energy efficiency, in order to increase the resilience of new buildings and improve local public health outcomes. Those reach codes are not included in the attached ordinance; staff anticipate advancing those codes for City Council review in early 2026.

This ordinance, with the local amendments, supports the City's Strategic Plan goals to create a resilient, safe, connected, and prepared city, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The proposed actions also support emergency housing provisions to assist in the declared homeless shelter crisis.

### BACKGROUND

The Council last adopted new California Building Standards Code with local amendments on May 7, 2024, taking effect on July 1, 2024. As with the last code adoption, staff is conducting community outreach to inform future applicants and other community members that all permit applications submitted on or before December 31, 2025, will be reviewed under the currently adopted 2022 building codes. Outreach includes notifications on the City website, announcements on the Permit Service Center website, notification flyers at the Permit Service Center and around 1947 Center Street, and email notifications to local building professionals.

When the Department reopens on January 2, 2026, after the New Year's Day holiday, new permit applications will be reviewed for conformance to the 2025 California Building Standards Code with adopted local amendments.

*Berkeley Building Code (Chapter 19.28)*

The 2025 Berkeley Building Code adopted in BMC Chapter 19.28 includes numerous model code changes published by the State of California, including reformatting, relocating Wildland Urban Interface (WUI) standards to a separate WUI Code, and changes that impact occupiable roofs, use and occupancies, fire protection features, means of egress, structural modifications, and special inspections, among others. These changes are designed to enhance protection of public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

Previous amendments are retained to the Berkeley Building Code, with administrative provisions to assist in facilitating the City of Berkeley's Amnesty Program for existing undocumented dwelling units. In addition, Section 113 Board of Appeals in Chapter 1, Scope and Administration, has been renamed Means of Appeal and amended to comply with the California Building Code. The Appeals Board has been changed from the Housing Advisory Commission (HAC) to the City Council. This change is being made due to recent court decisions requiring appeals of Building Code determinations to be heard by the City Council, and also because the HAC members do not necessarily have the technical expertise required by the Building Code.

A new local amendment is being introduced to remove an exception which has created inconsistencies between the California Building Code and the California Residential Code, regarding fire-resistance requirements for structural elements supporting fire-resistive construction. Retention of the exception could allow some buildings to be constructed with a reduced level of fire protection, compromising occupant safety.

*Berkeley Residential Code (Chapter 19.29)*

The 2025 Berkeley Residential Code adopted in BMC Chapter 19.29 includes numerous model code changes further refining prescriptive provisions for the construction of dwellings and including reformatting, relocating WUI standards to a separate WUI Code, increased seismic restraint requirements for appliances, increasing fire protection features, additional insulation standards, increased smoke alarm requirements, among others. These changes are designed to enhance protection of public health, safety and general welfare as they relate to the construction and use of residential buildings and structures.

*Berkeley Electrical Code (Chapter 19.30)*

The 2025 Berkeley Electrical Code adopted in BMC Chapter 19.30 is proposed to incorporate a new local amendment clarifying the separation requirement for conductors of different systems, services, or meters. This amendment aims to enhance the safety of occupants, service personnel, and first responders during the utilization, servicing, or

operation of these systems, especially considering the aging building stock within the City and the presence of older electrical systems lacking the safety features of modern electrical equipment.

*Berkeley Mechanical Code (Chapter 19.32)*

The 2025 Berkeley Mechanical Code adopted in BMC Chapter 19.32 incorporates the prior local Berkeley amendment to require installation of residential kitchen range hoods with a minimum air flow of 100 cfm and maximum sound rating not exceeding 3 sones over residential stoves and cooktops. This local amendment is proposed for readoption.

*Berkeley Plumbing Code (Chapter 19.34)*

The 2022 California Plumbing Code, adopted in BMC Chapter 19.34, incorporates the prior local amendment in response to a referral from the Disaster and Fire Safety Commission, adopted by the City Council on June 1, 2021. This amendment requires mandatory installation of motion activated gas shut-off valves whenever a plumbing or mechanical permit is issued for buildings containing fuel gas piping, regardless of permit valuation. This amendment is intended to reduce or prevent serious gas-related fires or explosions in the event of a major seismic event. This local amendment is proposed for readoption.

*Berkeley Energy Code (Chapter 19.36)*

The 2025 Berkeley Energy Code adopted in BMC Chapter 19.36 introduces the Long-Term System Cost metric, updated weather data for Berkeley's climate zone, and higher efficiency requirements for building envelopes. Laboratory spaces are now included, prescriptive baselines favor electric heat pumps, and new requirements cover pipe insulation, lighting controls, and fast-service commercial kitchens with 800-amp electrical service, and is proposed for readoption without local amendments.

No new City amendments were incorporated into the 2025 Berkeley Energy Code.

*Berkeley Green Code (Chapter 19.37)*

The 2025 California Green Building Standards Code (CALGreen), adopted in BMC Chapter 19.37, introduces more stringent measures for both residential and nonresidential development. Key updates strengthen requirements for EV infrastructure, bicycle parking, and building deconstruction and reuse. Local amendments are also proposed for modification to align with changes in the model code while preserving Berkeley's previously adopted higher standards for EV charging, low-carbon concrete, and construction and demolition waste diversion. No cost-effectiveness study is required for local amendments to CALGreen.

No new city amendments were incorporated into the 2025 Berkeley Green Code. The existing Berkeley amendments continue to support the 2025 CALGreen requirements for EV charger installations, as recommended in the Berkeley Electric Mobility Roadmap. EV charging infrastructure is a critical component to electric vehicle adoption, and it is significantly more expensive to install as a retrofit than during new construction.

Ensuring that newly constructed residential and nonresidential parking has EV charging capability will reduce the long-term costs of EV infrastructure installation, while helping to increase EV adoption, and ultimately help to decrease greenhouse gas emissions associated with transportation.

Berkeley's Electric Mobility Roadmap emphasizes that being able to charge at home or at work is critical for supporting EV ownership and that, increasingly, daytime charging at work or other nonresidential locations can leverage surplus renewable energy. To get to zero net carbon by 2045, in line with State goals, Berkeley wants at least 610 workplace EV charging stations. Requiring EV charging station installation in new multifamily, nonresidential, and hotel/motel buildings, in concert with EV charging readiness requirements for residential and nonresidential developments, will substantially facilitate electric vehicle adoption in Berkeley.

#### Previous Local Amendments

Previous local amendments, with some revisions and updates in code language and code sections, are recommended for continuance in the re-enacted Berkeley Building Code (BMC Chapter 19.28). These include:

- Article 1. Scope and Administrative Provisions – local amendments concerning permits, applications, fees, undocumented units, appeals, violations, unsafe buildings, and safety assessment placards.
- Article 3. Wood Burning Appliances – local amendment reducing the health risks caused by wood smoke based upon Berkeley's climatic conditions.
- Article 4. Projection into Public Right of Way – an administrative amendment concerning revocation, removal and indemnification regarding construction in the Right of Way.
- Article 5. Existing Buildings – adopting 2025 California Existing Building Code and certain chapters of the 2024 International Existing Building Code to reduce the risk from earthquakes.
- Article 6. Repairs to Existing Buildings and Structures – establishing updated regulations for the repairs of damaged structures to comply with the Stafford Act, which authorizes the Federal Emergency Management Agency (FEMA) to fund the repair and restoration of eligible facilities damaged in a declared disaster, and requires that the repair and restoration be "on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications and standards."
- Article 7. Amendments to Structural Standards – addressing Berkeley's close proximity to major earthquake faults. The Tri-chapter Uniform Code Committee (TUCC), which is part of the International Code Council East Bay Chapter, has recommended several structural amendments to previous code editions which

are being retained for the 2025 California Building and Residential Codes.

- Article 8. Construction of Exterior Appurtenances – establishing more stringent construction standards for exterior elevated elements and continuing the amendments adopted in July 2015 following the balcony collapse at 2020 Kittredge Street.
- Article 9. Emergency Housing Appendix Q (formally Appendix P) – establishing local amendments reflecting the particular characteristics and needs of Berkeley’s emergency shelter responses.

Previous local amendments that are recommended for continuance in the re-enacted Berkeley Residential Code (BMC Chapter 19.29) include:

- Adoption of the California Residential Code Appendices BI (formally Appendix AR) – light straw-clay construction, BJ (formally Appendix AS) - Strawbale Construction, and Appendix BK - Cob Construction in support of sustainable construction practices which reduce environmental impact and provide increased thermal efficiencies.
- Adoption of the California Residential Code Appendix BB (formally Appendix AQ) for tiny houses used as dwelling units, relaxing various code requirements as they apply to smaller homes in response to the California housing crisis.
- Adoption of the California Residential Code Appendix BF - Patio Covers to provide design specifications for patio cover appurtenances.
- Adoption of the California Residential Code Appendix CI - Swimming Pool Safety Act to provide design specifications for swimming pool safety.
- Section 19.29.060 Technical Amendments to Structural Standards – addressing Berkeley’s close proximity to major earthquake faults.

Previous local amendments that are recommended for continuance in the re-enacted Berkeley Green Code (BMC Chapter 19.37) include:

- Section 19.37.040 Electric vehicle (EV) charging for new construction amendments requiring additional EV infrastructure for new construction projects.
- Section 19.37.040 Construction and Demolition debris amendments to require that 100% asphalt, concrete, excavated soil and land-clearing debris be diverted from disposal by recycling, reuse, and salvage, in addition to the general 65% diversion requirement.
- Section 19.37.040 Low-carbon concrete requirement, which requires that cement used in concrete mix design be reduced by not less than 25 percent.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adoption of the 2025 Berkeley Building Codes with continuing local amendments is important to meeting Berkeley's Climate Action Plan, Zero Waste, and Fossil Fuel Free Berkeley goals. The Berkeley Green Code, through expanded EV charging and low-carbon concrete requirements, limits the greenhouse gas emissions associated with transportation (currently about 60% of Berkeley's total emissions) and the use of concrete, a common building product that is responsible for approximately 8% of global carbon emissions. In addition, the increased diversion requirements for construction and demolition materials keeps waste out of landfills. Continued implementation of the Energy Code and Green Code, including the verification of compliance through the building permit and inspection process, results in new buildings operating on cleaner energy, which supports Berkeley's Climate Action and Fossil Fuel Free City goals.

Therefore, this action is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. Cal. Code Regs., tit. 14, § 15061(b)(3). Further, the action is exempt from CEQA because it is an action taken by a regulatory agency to protect the environment. Cal. Code Regs., tit. 14, § 15308.

### RATIONALE FOR RECOMMENDATION

State model codes will go into effect on January 1, 2026 without local amendments, unless the City Council adopts or re-adopts such local amendments as proposed in the Ordinance which accompanies this report. Adoption of local amendments and findings will adapt the state codes to better meet the needs of Berkeley's particular administrative, topographic, geologic and climatic conditions. The purpose of the non-administrative local amendments is to provide a higher level of safety than is reflected in the 2025 codes adopted by the State. The fire and seismic danger and other local conditions, as described in detail in the attached resolution of local conditions, justify Berkeley code amendments that are stricter than the California Building Standards Code.

According to the California Building Standards Commission, the repeal of prior code is often overlooked by municipalities and is critically important to ensure that obsolete provisions are expressly repealed.

### ALTERNATIVE ACTIONS CONSIDERED

The City Council could choose to adopt the California Buildings Standards Code with fewer, or no, local amendments; or to take no action and allow the state mandated codes to take effect without local amendments specifically designed for Berkeley.

CONTACT PERSONS

David Lopez, Chief Building Official, Planning and Development Department, 510-981-7441

Jeff Jensen, Assistant Building Official, Planning and Development Department, 510-981-7427

Kurt Hurley, Green Building Program Manager, Planning and Development Department, 510-981-7501

Attachments:

- 1: Code Adoption Ordinance
- 2: Resolution Adopting Local Conditions

ORDINANCE NO. –N.S.

REPEALING AND REENACTING BERKELEY MUNICIPAL CODE CHAPTERS 19.28 (BERKELEY BUILDING CODE), 19.29 (BERKELEY RESIDENTIAL CODE), 19.30 (BERKELEY ELECTRICAL CODE), 19.32 (BERKELEY MECHANICAL CODE), 19.34 (BERKELEY PLUMBING CODE), 19.36 (BERKELEY ENERGY CODE), AND 19.37 (BERKELEY GREEN CODE)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

**Section 1.** That Berkeley Municipal Code Chapter 19.28 is hereby repealed and reenacted to read as follows:

**Chapter 19.28**

**BERKELEY BUILDING CODE**

**Sections:**

- 19.28.010 Adoption of the California Building Code**
- Article 1. Scope and Administrative Provisions**
  - 19.28.020 Adoption of Chapter 1 Scope and Administration**
- Article 2. Fire and Smoke Protection Feature Provisions**
  - 19.28.030 Technical Amendments to Fire and Smoke Protection Features**
- Article 3. Wood Burning Appliances**
  - 19.28.040 Wood Burning Appliances**
- Article 4. Projection into Public Right of Way**
  - 19.28.050 Encroachment into the Public Right of Way - Revocation and Removal Indemnification and Hold Harmless**
- Article 5. Existing Buildings**
  - 19.28.060 Adoption of 2025 California Existing Building Code and certain Chapters of the 2024 International Existing Building Code by Reference**
- Article 6. Repairs to Existing Buildings and Structures**
  - 19.28.070 Adoption of Regulations for the Repairs of Existing Structures**
- Article 7. Amendments to Structural Standards**
  - 19.28.080 Technical Amendments to Structural Standards**
- Article 8. Construction of Exterior Appurtenances**
  - 19.28.090 Technical Amendments for Construction of Exterior Projecting**

## Elements and Appurtenances

### Article 9. Emergency Housing

#### 19.28.100 Emergency Housing and Emergency Housing Facilities

##### 19.28.010 Adoption of the California Building Code.

A. The California Building Code, 2025 edition, as adopted in Title 24 Part 2 of the California Code of Regulations, including Appendices H, I, J and Q, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

B. The California Historical Building Code, 2025 edition, as adopted in Title 24 Part 8 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

C. The California Existing Building Code, 2025 edition, as adopted in Title 24 Part 10 of the California Code of Regulations, including Appendix A, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

D. This Chapter shall be known as the "Berkeley Building Code" and shall be referred to in this Chapter as "this Code."

E. This Chapter will become effective on January 1, 2026, and shall not apply to any building permit submitted by December 31, 2025.

### Article 1. Scope and Administrative Provisions

#### 19.28.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

#### CHAPTER 1 SCOPE AND ADMINISTRATION

##### SECTION 101 – GENERAL

**101.1 Title.** These regulations shall be known as the Berkeley Building Code, hereinafter referred to as "this Code".

**101.4 Referenced codes.** The other codes specified in Sections 101.4.1 through 101.4.10, and referenced elsewhere in this Code, shall be considered part of the requirements of this Code to the extent prescribed in each such reference.

**101.4.1 Gas.** The provisions of the Berkeley Mechanical Code, based on the 2025 California Mechanical Code, and the Berkeley Plumbing Code, based on the 2025 California Plumbing Code, as amended herein, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the Berkeley Mechanical Code, based on the 2025 California Mechanical Code, as amended herein, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.3 Plumbing.** The provisions of the Berkeley Plumbing Code, based on the 2025 California Plumbing Code, as amended herein, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Berkeley Plumbing Code shall apply to private sewage disposal systems.

**101.4.4 Residential property maintenance.** The provisions of the Berkeley Housing Code, as adopted in Chapter 19.40, shall apply to existing residential buildings and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Notwithstanding any provisions contrary in this Chapter, any building or portion thereof constructed in compliance with the Berkeley Building Code shall not be deemed to be in violation of the Housing Code provisions that may conflict.

**101.4.5 Fire prevention.** The provisions of the Berkeley Fire Code based on the 2025 California Fire Code, as adopted in Chapter 19.48, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the Berkeley Energy Code, based on the 2025 California Energy Code, as amended herein, shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Existing buildings.** The provisions of the Berkeley Existing Building Code, based on the 2025 California Existing Building Code, as amended herein, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**101.4.8 Wildland-Urban Interface.** The provisions of the Berkeley Wildland-Urban Interface Code, based on the 2025 California Wildland-Urban Interface Code and adopted in Chapter 19.49, shall apply to building materials, systems and/or assemblies used in the exterior design and construction of new, altered, additions to and demolition of buildings, structures or premises located within a wildland-urban interface (WUI) area.

**101.4.9 Electrical.** The provisions of the Berkeley Electrical Code, based on the 2025 California Electrical Code, as amended herein, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.10 Green.** The provisions of the Berkeley Green Code, based on the 2025 California Green Building Standards Code, as amended herein, shall apply to enhanced design and construction of buildings through the use building concepts having a reduced negative impact or the positive environmental impact and encouraging sustainable construction practices.

**101.5 References to prior codes.** Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of former Berkeley Building Code editions, shall be construed to apply to the corresponding provisions contained within the 2025 Berkeley Building Code Ordinance No. X,XXX–N.S. and all ordinances amendatory thereof. Any ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

## SECTION 103 – DIVISION OF BUILDING AND SAFETY

**103.1 Creation of enforcement agency.** The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

**103.2 Appointment.** The building official shall be appointed by the City Manager.

**103.3 Deputies.** In accordance with the prescribed procedures of the City of Berkeley, the building official shall have the authority to appoint an assistant building official, building inspectors, plans examiners, housing inspectors, permit technicians, and other technical officers and employees. Such employees shall have powers as delegated by the building official.

SECTION 104 – DUTIES AND POWERS OF BUILDING OFFICIAL

**104.2.3 Alternative materials, design and methods of construction and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved.

**Exception:** Reserved

**104.7 Official records.** The building official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise required for a longer period by the retention of public record policy of the city.

**104.7.1 Approvals.** A record of applications received, approved plans, permits and certificates issued shall be maintained by the building official and shall be available for public inspection during business hours in accordance with applicable laws.

**104.7.2 Inspections.** The building official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

**104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

**104.7.4 Tests.** The building official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

**104.7.5 Fees.** The building official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 109.

**104.9.1 Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working condition with documentation justifying the condition, labeled and graded as required and expressly approved by the building official.

Add a new Subsection 104.10 to read:

**104.10 Unpermitted dwelling units.** When a building permit record for a residential unit does not exist, the building official is authorized to make a determination of when the residential unit was constructed and then apply the building standards in effect when the residential unit was determined to be constructed or the current building standards,

whichever is the least restrictive, provided the building or portion thereof does not become or continue to be a substandard or unsafe building. The Building Official is authorized to accept reasonable alternatives to the requirements of the prior or current code editions when dealing with unpermitted dwelling units.

## SECTION 105 – PERMITS

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar non-occupiable uses, provided that the floor area *does not exceed* than 120 square feet (11.15 m<sup>2</sup>), there is an existing primary structure on site and no electrical, plumbing and/or mechanical systems are installed. *It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.*
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Building and Safety Division for

that purpose. Such application shall not become valid until accepted by the Division as complete and applicable fees paid. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building and location of work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work as required in Section 109.3.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed expired 365 days after the date of filing, or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. An application, once abandoned, shall be deemed expired and a new application will be required to be submitted.

**Exception.** If an application is associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

**105.5.1 Expiration of Permit.** On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days per extension calculated from the date of expiration. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)

When a permit is deemed invalid, suspended or abandoned, a new permit is required to complete the work. The new permit application and plans shall be filed describing the remaining work to be completed. Fees shall be assessed based on the valuation of the work remaining to be completed or itemized as allowed by the City of Berkeley fee schedule as adopted. If a site visit or other review is required to determine the extent of the remaining work, a fee may be charged to make such determination.

For the purposes of this section “suspended or abandoned” shall mean that a completed and approved city inspection, per California Building Code Section 110.3, has not been performed for the work approved under the issued permit in the time period the permit is active.

The issuance of a building permit shall not exempt the permittee or any other person from compliance with deadlines imposed in any notice and/or order to correct a code violation issued by the City. If a permit is for a project associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

**105.8 Permit Conditions.** The building official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the building official.

## SECTION 107—CONSTRUCTION DOCUMENTS

**107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 5 years from date of completion of the permitted work, or as required by state or local laws.

## SECTION 109 – FEES

**109.1 Payment of fees.** Except when fees are deferred, a permit application shall not be deemed valid until the fees set forth by resolution of City Council have been paid. Except when fees are deferred, a permit shall not be valid until the fees as set forth by resolution of City Council have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee as set forth by resolution of the City Council. Fees for permits and inspections and other related services under this Code shall be assessed and paid as set forth by resolution of the City Council. Unless waived or deferred as provided by local regulations, a plan review fee and other fees as specified in the resolution shall be paid at the time of submitting any documents for review and additional fees as specified in the resolution shall be paid at issuance of the permit.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permit shall be subject to a fee as set forth by resolution of the City Council twice the amount and in addition to the permit fees for the portion of the scope of work performed without the permit.

**109.7 Re-inspection fees.** A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a

previously approved inspection for the same work, or when corrections previously called for are not made.

This section applies for the following conditions:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.
3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the building official, requires a re-inspection fee to be assessed.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

## SECTION 112 – SERVICE UTILITIES

**112.1 Authority for Connection of service utilities.** A person shall not make connections from a utility, a source of energy, fuel, or power, or a water system or sewer system to any building or system that is regulated by this code for which a permit is required, until authorization to connect has been obtained from the building official.

**112.4 Authority to connect utilities.** Clearance for connection of one utility, either gas or electrical, will be withheld until final building, electrical, plumbing, and/or mechanical inspections are made and approval has been given for any new building or change in occupancy classification to an existing building for which connection to such utilities is sought, unless approval has been first obtained from the building official.

**112.5 Unsafe utility services.** Unsafe utility services are hereby declared to be public nuisances and shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in Chapter 19.40 of the Berkeley Municipal Code (BMC) for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate actions to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative. When utility services are maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

**112.6 Authority to disconnect utilities in emergencies.** The building official or building official's authorized representative shall have the authority to disconnect electrical power or other energy service supplied to the building, structure, system or building-service equipment therein regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official or building official's authorized representative shall, whenever possible, notify the serving utility, and the owner of the building, structure or electrical system or equipment and any building occupants of the decision to disconnect prior to taking such action and shall notify them, in writing, of the disconnection as soon as possible thereafter.

**112.7 Authority to condemn electrical, plumbing and/or mechanical systems and equipment.** Whenever the building official determines that an electrical, plumbing, or mechanical system or equipment regulated by this Code is hazardous to life, health or property, the building official may order in writing that such systems or equipment either be removed or restored to a safe condition. The written notice shall fix a reasonable time limit for compliance with such order. Persons shall not use or maintain defective systems or equipment after receiving such notice except as may be provided therein.

When equipment or an installation is to be disconnected, a written notice of such disconnection and the reasons therefore shall be given within 24-hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When equipment or an installation is maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Unsafe electrical, plumbing, and/or mechanical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 19.40 of the BMC for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative.

**112.8 Connection after order to disconnect.** Persons shall not make connections to a service utility, a source of energy, fuel, or power, or a water system or sewer system or equipment that has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnection and use of the disconnected systems or equipment.

## SECTION 113 – BOARD OF APPEALS

### Section 113 Means of Appeals

**113.1 Appeals Procedure.** The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Building Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Building Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

**Section 113.1.1 Payment of Fees and Fines.** Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing will be scheduled prior to receipt of payment or approval of the hardship waiver.

**Section 113.1.2 Stay of Proceedings.** The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the Building Official determines that such a stay could result in an imminent threat to public safety.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The City Council shall not have authority to waive requirements of this code.

**113.3 Decisions.** The City Council shall review the action of the Building Official and shall do one of the following:

- a. Refer the matter back to the Building Official.
- b. If the facts stated in or ascertainable from the Notice of Appeal, the written statement of the building official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the Building Official. Such decision shall be final.
- c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.
- d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the Building Official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.

- e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the Building Official shall be deemed affirmed and the appeal shall be deemed dismissed.
- f. The appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the Building Official shall be deemed affirmed and the appeal deemed dismissed.

**113.4 Administration.** The Building Official shall take action without delay in accordance with the decision of the City Council.

## SECTION 114 – VIOLATIONS

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. Violations of this code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, building official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17(d). Nothing in this Section shall prevent any other remedy afforded by law.

## SECTION 116 - UNSAFE STRUCTURES AND EQUIPMENT

**116.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become structurally or otherwise unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a structural or fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

**116.5.1 Restoration and Abatement process:** All such unsafe buildings, equipment, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapters 1.24, 19.28, 19.40 and/or 19.44 of the BMC as applicable. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the City Council, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

**116.6 Safety Assessment Placards.**

**116.6.1 Intent.** This section establishes standard placards to be used to indicate the condition of a structure for occupancy after a natural or human-caused disaster and a rapid evaluation by authorized personnel. The building official or authorized representatives shall post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

**116.6.2 Application of provisions.** The provisions of this section are applicable to all buildings and structures of all occupancies regulated by the City of Berkeley. The City Council may extend the provisions as necessary.

### **116.6.3 Definitions.**

**116.6.3.1 Safety Assessment.** Safety Assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

**116.6.3.2 Placards.** Following are titles and descriptions of the official jurisdiction placards to be used to designate the condition of a building structure for continued occupancy, partial or conditional occupancy, or unsafe to enter. Copies of placards are on file in the Building and Safety Division of the Planning and Development Department.

**INSPECTED** – Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent hazard has been found. This placard is not intended to mean there is no damage to the building or structure, but that any damage that occurred does not present a hazard to occupants.

**RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

**UNSAFE** – Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Building or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official, or the building official's authorized representative. Safety assessment teams shall be authorized to enter these building at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

**116.6.4 Content of placard.** The BMC Section number and the words "City of Berkeley" shall be permanently affixed to each placard.

**116.6.5 Unlawful to remove.** Once a placard has been attached to a building or structure, it is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

## Article 2. Fire and Smoke Protection Features

### 19.28.030 Fire and Smoke Protection Features.

**Chapter 7** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

#### Section 711 – Floor and Roof Assemblies.

**711.2.3 Supporting construction.** The supporting construction shall be protected to afford the required fire-resistance rating of the horizontal assembly supported.

**Exception:** In buildings of Type IIB, IIIB or VB construction, the construction supporting the horizontal assembly is not required to be fire-resistance rated at the following:

1. Horizontal assemblies at the separations of incidental uses as specified by Table 509.1 provided that the required fire- resistance rating does not exceed 1 hour.
2. ~~RESERVED Horizontal assemblies at the separations of dwelling units and sleeping units as required by Section 420.3.~~
3. Horizontal assemblies at smoke barriers constructed in accordance with Section 709.

## Article 3. Wood Burning Appliances

### 19.28.040 Wood Burning Appliances.

**Chapter 31** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

#### Section 3115 - Wood Burning Appliances.

**3115.1 Purpose.** The purpose of this section is to reduce the health risks caused by wood smoke under the climatic conditions applicable to Berkeley.

**3115.2 Definitions.** For purposes of this section the following terms shall be defined as set forth below.

1. “EPA” means the United States Environmental Protection Agency.
2. “EPA Certified” means any wood heater that is labeled “EPA Certified” in accordance with the standards in Title 40, Part 60, Subpart AAA, of the Code of Federal Regulations or equivalent, in effect at the time the wood heater is installed.

3. “Pellet heater” means wood heaters that burn pellet fuel exclusively and are either EPA-certified or exempted under EPA requirements set forth in Part 60 Title 40, Subpart AAA, of the Code of Federal Regulations, February 26, 1988.
4. “Wood-burning” means an appliance that burns wood or any wood-based solid fuel, including but not limited to wood pellets.
5. “Wood burning cooking device” means any wood-burning device that is designed or primarily used for cooking.
6. “Wood-burning fireplace” means any permanently-installed masonry or factory-built wood-burning appliance, either open or with doors in front of the combustion chamber, which is neither a wood heater as defined in 40 CFR 60.531 nor designed and used for cooking.

**3115.3 Allowable wood-burning fireplace.** No wood-burning fireplace or wood heater as defined in 40 CFR 60.531, that is not EPA certified or exempted by under EPA requirements may be installed in any occupancy.

**Exception:**

1. Existing masonry fireplaces may be repaired in accordance with the applicable codes in effect at the time of the proposed repair or reconstruction. For purposes of this exception, the term repair includes resurfacing the combustion chamber, but does not include replacing any other part of the combustion chamber.
2. Wood burning cooking devices are not prohibited by this section.

**3115.4 Documentation.** Any person planning to install a wood-burning fireplace or heating stove must submit verifiable documentation to the City showing that the appliance conforms to the requirements of this section.

**Article 4. Projection into Public Right of Way**

**19.28.050 Encroachments into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.**

**Chapter 32** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**SECTION 3202 – ENCROACHMENTS**

**3202.5 Projection into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.**

Any permits granted pursuant to this Code which allow any projection upon, over, or under the public right of way may be revoked by the City at any time. Upon such revocation, the permittee or permittee's successor(s) or assignee(s) shall forthwith remove such projection at permittee's cost and expense and without any cost or expense whatsoever to the City.

Any person who is granted a permit pursuant to the provisions of this Code which allows a projection upon, over or under the public right of way shall by the issuance of such permit thereby indemnify and hold harmless the City of Berkeley, its officers and employees of and from any and all liabilities, claims, demands, actions or causes of action for injury or injuries to any person or persons or death or deaths of any person or persons or damage to property arising out of or occasioned in any way by the issuance of said permit, the work performed pursuant to such permit, or the existence of such projection. The obligation of such indemnification and hold harmless provision shall be applicable to the successor(s) and assignee(s) of the permittee.

## **Article 5. Existing Buildings**

**19.28.060 Adoption of 2025 California Existing Building Code and certain Chapters of the 2024 International Existing Building Code by reference.**

**2025 California Existing Building Code (CEBC), including Appendix A**, is adopted in its entirety subject to the modifications thereto which are set forth below.

### **DIVISION II SCOPE AND ADMINISTRATION**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any CEBC administrative provisions that may conflict.

**101.9 Adoption of Certain Chapters of the 2024 International Existing Building Code by reference.**

When seismic retrofit is not otherwise required by this Code, the following Chapters of the 2024 International Existing Building Code (IEBC) published by the International Code Council contained in the IEBC Appendix A are hereby adopted by reference as applicable to the types of buildings as designated therein as though fully set forth herein:

Chapter A2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

## **Article 6. Repairs to Existing Buildings and Structures**

**19.28.070 Adoption of Regulations for the Repairs of Existing Structures.**

**Add a new Subsection 405.2.7 to Chapter 4 Section 405 of the California Existing Building Code.**

**405.2.7 Seismic Evaluation and Design Procedures for Repairs.** The seismic evaluation and design shall be based on the procedures specified in the California Building Code or ASCE 41 *Seismic Evaluation and Retrofit of Existing Buildings*. The procedures contained in Appendix A Chapters A1, A3 and A4 of the California Existing Building Code and Appendix A Chapter A2 of the International Existing Building Code shall be permitted to be used as specified in Section 405.2.7.2.

**405.2.7.1 Compliance with CBC level seismic forces.** Where compliance requires the use of full seismic forces, the criteria shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as “Ordinary,” the values of  $R$ ,  $\Omega_o$ , and  $C_d$  used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as “Ordinary” in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a “Detailed,” “Intermediate” or “Special” system.
2. ASCE 41, using a Tier 3 procedure and the two-level performance objective in Table 405.2.7.1.

**Table 405.2.7.1  
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH  
FULL SEISMIC FORCES**

RISK CATEGORY (Based on CBC Table 1604.5)	STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-1N EARTHQUAKE HAZARD LEVEL	STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2N EARTHQUAKE HAZARD LEVEL
I	Life Safety (S-3)	Collapse Prevention (CP)
II	Life Safety (S-3)	Collapse Prevention (CP)
III	Damage Control (S-2)	Limited Safety (S-4)
IV	Immediate Occupancy (S-1)	Life Safety (S-3)

**405.2.7.2 Compliance with reduced CBC level seismic forces.** Where seismic evaluation and design is permitted to meet reduced seismic forces, the criteria used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of  $R$ ,  $\Omega_o$ , and  $C_d$  used for analysis shall be as specified in Section 405.2.7.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the California Existing Building Code (CEBC) or Appendix A of the International Existing Building Code (IEBC) as specified in Items 2.1 through 2.4 below shall be deemed to comply with this section.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A1, provided the design is no less stringent than required in Berkeley Municipal Code Section 19.38.130.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Risk Category I or II are permitted to be based on the procedures specified in IEBC Appendix A Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A4.

3. ASCE 41, using the performance objective in Table 405.2.7.2 for the applicable risk category. The design spectral response acceleration parameters  $S_{xs}$  and  $S_{x1}$  specified in ASCE 41 shall not be taken less than 75 percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{D1}$  defined by the *California Building Code* and its reference standards.

**Table 405.2.7.2  
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH  
REDUCED SEISMIC FORCES**

<b><u>RISK CATEGORY (Based on CBC Table 1604.5)</u></b>	<b><u>STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-1E EARTHQUAKE HAZARD LEVEL</u></b>	<b><u>STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2E EARTHQUAKE HAZARD LEVEL</u></b>
I	Life Safety (S-3). See Note a	Collapse Prevention (S-5)
II	Life Safety (S-3). See Note a	Collapse Prevention (S-5)
III	Damage Control (S-2). See Note a	Limited Safety (S-4). See Note b
IV	Immediate Occupancy (S-1)	Life Safety (S-3). See Note c

- a. For Risk Categories I, II, and III, the Tier 1 and Tier 2 procedures need not be considered for the BSE-1E earthquake hazard level.
- b. For Risk Category III, the Tier 1 screening checklists shall be based on the Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors that are the average of the values for Collapse Prevention and Life Safety.
- c. For Risk Category IV, the Tier 1 screening checklists shall be based on Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors for Life Safety.

**Table 405.2.7.3  
REFERENCED STANDARDS**

Standard Reference Number	Title	Referenced in Code Section Number
ASCE 41-17	Seismic Evaluation and Retrofit of Existing Buildings	405.2.7 Table 405.2.7.1 405.2.7.2 Table 405.2.7.2

### Article 7. Technical Amendments to Structural Standards

#### 19.28.080 Various Technical Amendments to Structural Standards.

**Chapter 17** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**1705.3 Concrete construction.** Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

**Exception:** Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction.
  - 2.2. The footings are designed in accordance with Table 1809.7.
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f'_c$ , not more than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the approved construction documents or used in the footing

construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

**Chapter 19** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**1905.6 Structural plain concrete.** Structural plain concrete elements shall comply with this section in lieu of Section 14.1.4 of ACI 318.

**1905.6.2 Seismic Design Categories C, D, E and F.** Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

1. ~~Reserved Structural plain concrete basement, foundation or other walls below the base as defined in ASCE/SEI 7 are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall be not less than 7 1/2 inches (190 mm), and the wall shall retain not more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with Section 14.6.1 of ACI 318.~~
2. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided that the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** ~~In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.~~

3. Plain concrete footings supporting walls are permitted, provided that the footings have not fewer than two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. ~~For footings that exceed 8 inches (203 mm) in thickness, not fewer than~~ A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exceptions:**

- a. ~~Where assigned to Seismic Design Category C, detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls are permitted to have plain concrete footings without longitudinal reinforcement.~~

- b. ~~For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, not fewer than one bar shall be provided at the top of the stemwall and at the bottom of the footing.~~
- c. ~~Footings cast monolithically with a slab on ground shall have not fewer than one No. 4 bar at the top and bottom of the footing or one No. 5 bar or two No. 4 bars in the middle third of the footing depth.~~

## Article 8. Construction of Exterior Appurtenances

### 19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances.

**Chapter 12** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**1202.7 Ventilation of weather exposed enclosed assemblies.** Balconies, landings, decks, stairs and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow and as set forth in Section 2304.12.2.5. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section 1202.2.2. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

#### **Exceptions:**

1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

**Chapter 14** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**1403.15 Projections exposed to weather.** Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g., galvanized) steel, or similar approved materials.

**Chapter 23** of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**2304.12.2.3 Supporting members for permanent appurtenances.** Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances where such members are exposed to the weather without

adequate protection from a roof, eave, overhang or other covering to prevent moisture or water accumulation on the surface or at joints between members.

**Exception:** ~~Sawn lumber in buildings located in a geographical region where experience has demonstrated that climatic conditions preclude the need to use durable materials where the structure is exposed to the weather.~~

**2304.12.2.4 Supporting members for permeable floors and roofs.** Wood structural members that support moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative-treated wood ~~unless~~ and shall be separated from such floors or roofs by an impervious moisture barrier. The impervious moisture barrier system protecting the structure supporting floors shall provide positive drainage of water that infiltrates the moisture-permeable floor topping.

**Table 2308.10.1 WALL BRACING REQUIREMENTS** a, f, g

Add new footnotes “f” and “g” to the end of Table 2308.10.1 to read:

f. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D or E. In Seismic Design Categories D, the use of Method PCP is limited to one-story dwellings and accessory structures.

g. Methods DWB and PCP are not permitted in Seismic Design Categories E.

**Article 9. Emergency Housing**

**19.28.100 Emergency Housing and Emergency Housing Facilities.**

**HCD Appendix Q** of the 2025 California Building Code is adopted on an emergency basis and reproduced in its entirety subject to the modifications thereto which are set forth below:

**APPENDIX Q  
EMERGENCY HOUSING**

**SECTION Q101 - GENERAL**

**Q101.1 Scope.** This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section Q102. The provisions and standards set forth in this appendix shall be applicable to emergency housing established pursuant to the declaration of a shelter crisis under Government Code section 8698 et seq. and located in new or existing buildings, structures, or facilities owned, operated, erected, or constructed by, for or on behalf of the City of Berkeley on land owned or leased by the City of Berkeley.

**Q101.2 Application.** Notwithstanding any provisions of this Code to the contrary, the following requirements shall apply to emergency housing operated during a shelter crisis, as provided for in Government Code Section 8698 et seq. Other than the specific requirements set forth in this appendix, the facilities need not comply with the

requirements of this Code for Group R occupancies unless otherwise specified in this Code.

## **SECTION Q102 - DEFINITIONS**

**Q102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**DECLARATION OF SHELTER CRISIS.** The duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (See Government Code Section 8698)

**DEPENDENT UNIT.** Emergency housing not equipped with a kitchen area, toilet, and sewage disposal system. Recreational vehicles that are not self-contained and without utility service connections shall be considered dependent units.

**EMERGENCY HOUSING.** Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix.

**EMERGENCY HOUSING FACILITIES.** On-site common use facilities supporting emergency housing. Emergency housing facilities include, but are not limited to, kitchen areas, toilets, showers and bathrooms with running water. The use of emergency housing facilities is limited exclusively to the occupants of the emergency housing, personnel involved in operating the housing, and other emergency personnel.

**EMERGENCY HOUSING SITE.** A site containing emergency housing and emergency housing facilities supporting the emergency housing.

**EMERGENCY SLEEPING CABIN.** Relocatable hard-sided structure constructed in accordance with this appendix, which may be occupied only for emergency housing if allowed by the enforcing agency.

**EMERGENCY TRANSPORTABLE HOUSING UNIT.** A single- or multiple-section prefabricated structure that is transportable by a vehicle and that can be installed on a permanent or temporary site in response to a need for emergency housing. Emergency transportable housing units include, but are not limited to, manufactured homes, mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers. For the purposes of this appendix, emergency transportable housing units may also include commercial modulars as defined in the Health and Safety Code Section 18001.8, if approved by the enforcing agency.

Emergency transportable housing units do not include factory-built housing as defined in the Health and Safety Code Section 19971.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a loft.

**LOCAL EMERGENCY.** Local Emergency as defined in the Government Code, Section 8558.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

**MANUFACTURED HOME.** A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18007.

**MEMBRANE STRUCTURE.** An air-inflated, air-supported, cable or frame-covered structure, not otherwise defined as a tent. (See Chapter 31 of this code.)

**MOBILEHOME.** A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18008.

**MULTIFAMILY MANUFACTURED HOME.** A structure designed to contain not less than two dwelling units, as defined in the Health and Safety Code, Section 18008.7.

**PARK TRAILER.** A trailer designed for human habitation that meets all requirements in the Health and Safety Code, Section 18009.3.

**RECREATIONAL VEHICLE.** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation, that meets all requirements in the Health and Safety Code, Section 18010.

**STATE OF EMERGENCY.** State of Emergency as defined in the Government Code, Section 8558.

**TENT.** A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

## **SECTION Q103 - EMERGENCY HOUSING**

**Q103.1 General.** Emergency sleeping cabins, emergency transportable housing units including commercial modulars, membrane structures and tents constructed and/or assembled in accordance with this appendix, shall be occupied only during declaration of state of emergency, local emergency, or shelter crisis.

Buildings and structures constructed in accordance with the California Building Standards Code, used as emergency housing, shall be permitted to be permanently occupied.

**Q103.2 Existing buildings.** Existing residential and nonresidential buildings or structures shall be permitted to be used as emergency housing and emergency housing facilities provided such buildings or structures comply with the building code provisions and/or other regulations in effect at the time of original construction and/or alteration. Existing buildings or structures used as emergency housing shall not become or continue to be substandard buildings, as determined by the enforcing agency.

**Q103.2.1 New additions, alterations, and change of occupancy.** New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code effective at the time of addition, alteration, or change of occupancy. The requirements shall apply only to and/or within the specific area of the addition, alteration, or change of occupancy.

**Exceptions:**

1. Existing buildings and structures used for emergency housing and emergency housing facilities may not be required to comply with the California Energy Code, as determined by the enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the California Building Standards Code, provided such change in occupancy meets the minimum fire and life safety requirements set forth in Section Q112 of this appendix.

**Q103.3 Occupant load.** Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m<sup>2</sup>) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m<sup>2</sup>) for each occupant in excess of one.

**Exceptions:**

1. Tents.
2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable
3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 53 square feet (4.9 m<sup>2</sup>) if the enforcing agency determines that 53 square feet (4.9 m<sup>2</sup>) is adequate space for a single-occupancy sleeping unit.

**Q103.4 Fire and life safety requirements not addressed in this appendix.** If not otherwise addressed in this appendix, fire and life safety measures, including, but not limited to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide alarms, shall be determined and enforced by the enforcing agency.

**Q103.5 Privacy.** Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

**Q103.6 Heating.** All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

## **SECTION Q104 - EMERGENCY SLEEPING CABINS**

**Q104.1 General.** Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m<sup>2</sup>) for one occupant. Where more than one person occupies the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m<sup>2</sup>) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m<sup>2</sup>), excluding lofts.

**Q104.2 Live loads.** Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.
4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

**Q104.3 Minimum ceiling height.** Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches (2032 mm). Bathrooms, toilet rooms, and kitchens, if provided, shall have a ceiling height of not less than 76 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

**Exception:** Ceiling heights in lofts constructed in accordance with Section Q108 are permitted to be less than 80 inches (2032 mm).

**Q104.4 Means of egress.** Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section Q104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section Q104.4.1, provided in the loft space.

**Q104.4.1 Egress window.** The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of 5 square feet (0.465 m<sup>2</sup>).

**Q104.5 Plumbing and gas service.** If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

**Q104.6 Electrical.** Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity.

**Exception:** The source of electricity may be an emergency generator or renewable source of power such as solar or wind power.

2. At least one interior lighting fixture.

3. Electrical heating equipment listed for residential use and a dedicated receptacle outlet for the electrical heating equipment.

**Exception:** Electrical heating equipment and a dedicated receptacle outlet for the electrical heating equipment are not required if a nonelectrical source of heating is provided.

4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

**Q104.7 Ventilation.** Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency.

**Q104.8 Smoke alarms.** Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

**Q104.9 Carbon monoxide alarms.** If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315

## **SECTION Q105 - EMERGENCY TRANSPORTABLE HOUSING UNITS**

**Q105.1 General.** In addition to the requirements in this appendix, manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, recreational vehicles, and park trailers used as emergency transportable housing shall comply with all applicable requirements in the Health and Safety Code, Division 13, Part 2; and Title 25, Division 1, Chapter 3, Subchapter 2.

No provisions of Sections Q111 through Q114 of this appendix shall be deemed to grant authorization for any additional work that may conflict with the standards specified in Section Q105 applicable for emergency transportable housing units.

## **SECTION Q106 - TENTS AND MEMBRANE STRUCTURES**

**Q106.1 General.** Tents shall not be used to house occupants for more than 7 days unless such tents are maintained with tight wooden floors raised at least 4 inches (101.6 mm) above the ground level and are equipped with baseboards on all sides to a height of at least 6 inches (152.4 mm). Tents may be maintained with concrete slabs with the finished surface at least 4 inches (101.6 mm) above grade and equipped with curbs on all sides at least 6 inches (152.4 mm) high.

A tent shall not be considered a suitable sleeping place when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

Membrane structures installed and/or assembled in accordance with Chapter 31 of this code, may be permitted to be used as emergency housing and emergency housing facilities, as determined by the enforcing agency.

Tents and membrane structures shall comply with Chapter 31 of the California Fire Code and shall not be erected for a period of more than 180 days within a 12 month period. Tents and membrane structures shall be limited to one level located at the level of Fire Department vehicle access road or lane. Tents and membrane structures complying with Chapter 31 of the California Fire Code shall not be subject to additional provisions of Sections Q111 and Q112 of this appendix.

Tents and membrane structures used for sleeping purposes shall be equipped with single station battery powered smoke alarms installed in accordance with Section 907.2.11 of the California Fire Code.

## **SECTION Q107 - ACCESSIBILITY**

**Q107.1 General.** Emergency housing shall comply with the applicable requirements in Chapter 11B and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

**Note:** The Architectural and Transportation Barriers Compliance Board (US Access Board) issued the Final Guidelines for Emergency Transportable Housing on May 7, 2014. The final guidelines amended the 2004 ADA Accessibility Guidelines (2004 ADAAG) and the 2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically address emergency transportable housing units provided to disaster survivors by entities subject to the ADA or ABA. The final rule ensures that the emergency transportable housing units are readily accessible to and usable by disaster survivors with disabilities.

## **SECTION Q108 - LOFTS IN EMERGENCY HOUSING**

**Q108.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections Q108.1.1 through Q108.1.3.

**Q108.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**Q108.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**Q108.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**Exception:** Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**Q108.2 Loft access.** The access to and primary egress from lofts shall be any type described in Sections Q108.2.1 through Q108.2.4.

**Q108.2.1 Stairways.** Stairways accessing lofts shall comply with the California Residential Code or with Sections Q108.2.1.1 through Q108.2.1.6.

**Q108.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

**Q108.2.1.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 74 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**Q108.2.1.3 Treads and risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus  $\frac{4}{3}$  of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus  $\frac{3}{4}$  of the tread depth.

**Q108.2.1.4 Landing platforms.** The top step of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 74 inches (1880 mm). The landing platform shall be 18 inches (457 mm) to 22 inches (559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 inches (406 mm) to 18 inches (457 mm) in height measured from the landing platform to the loft floor.

**Q108.2.1.5 Handrails.** Handrails shall comply with the California Residential Code, Section R311.7.8.

**Q108.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

**Q108.2.2 Ladders.** Ladders accessing lofts shall comply with Sections Q108.2.2.1 and Q108.2.2.2.

**Q108.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

**Q108.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**Q108.2.3 Alternating tread devices.** Alternating tread devices are acceptable as allowed by the enforcing agency.

**Q108.2.4 Loft guards.** Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. Loft guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102mm) in diameter.

## **SECTION Q109 - LOCATION, MAINTENANCE AND IDENTIFICATION**

**Q109.1 Maintenance.** Emergency housing and emergency housing facilities shall be maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of an infectious or contagious nature. The grounds within emergency housing sites shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter. Emergency housing and emergency housing facilities shall not be occupied if a substandard condition exists, as determined by the enforcing agency.

**Q109.1.1 Fire hazards.** Dangerous materials or materials that create a fire hazard, as determined by the enforcing agency, shall not be allowed on the grounds within emergency housing sites.

**Q109.3 Identification.** Emergency housing shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway fronting the building or structure. Each identification character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width, installed/painted on a contrasting background.

## **SECTION Q110 - EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS**

**Q110.1 Drinking water.** Potable drinking water shall be provided for all occupants of emergency housing.

**Q110.2 Kitchens and food facilities.** Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980 – 114094.5 of the California Health and Safety Code.

Where occupants of dependent units are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen. Refrigerated storage shall be provided for safe storage of food.

**Q110.3 Toilet and bathing facilities.** When dependent units are used as emergency housing, the emergency housing site shall be provided with one toilet and one bathing facility for every 15 occupants of each gender. The enforcing agency may permit different types and ratios of toilet and bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and waste water, while maintaining sanitary conditions for the occupants of the emergency housing.

Bathing facilities shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such facilities.

Lavatories with running water shall be installed and maintained in the toilet facilities or adjacent to the toilet facilities.

**Q110.4 Garbage, waste and rubbish disposal.** All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the enforcing agency.

## **SECTION Q111 - EMERGENCY HOUSING LIGHTING AND VENTILATION REQUIREMENTS**

**Q111.1 Lighting.** Buildings or structures used for emergency housing shall be provided with natural light by means of exterior glazed openings in accordance with Section 1204.2 of the California Building Code, or shall be provided with artificial light in accordance with Section 1204.3 of the California Building Code.

**Q111.2 Ventilation.** Buildings or structures used for emergency housing shall be provided with natural ventilation in accordance with Section 1202.5 of the California Building Code, or mechanical ventilation in accordance with the California Mechanical Code.

## **SECTION Q112 - EMERGENCY HOUSING FIRE AND LIFE SAFETY REQUIREMENTS**

**Q112.1 Location on property.** Buildings or structures used for emergency housing, including sleeping cabins, shall be located in accordance with the requirements of Section 705 and Table 705.5 of the California Building Code, based on their type of construction and fire-resistance ratings of the exterior walls. During a shelter crisis, the fire separation distances are permitted to be measured to the existing buildings on the adjacent parcels rather than to the interior lot lines, provided the open spaces are to remain unobstructed for the duration of the shelter crisis.

**Q112.2 Buildings on same lot.** Buildings or structures used for emergency housing, including sleeping cabins, shall be separated from each other and from other buildings on the same lot as set forth in Section 705.3 of the California Building Code. The Building Official and Fire Marshal may accept reasonable alternatives to these requirements provided reasonably equivalent fire and life safety is achieved.

**Q112.3 Means of egress.** Buildings or structures used for emergency housing shall be provided with means of egress complying with Chapter 10 of the California Building Code, unless modified elsewhere in this appendix.

**Q112.4 Emergency escape and rescue.** Each area of a building or structure used for sleeping purposes in emergency housing shall be provided with an emergency escape and rescue opening in accordance with Section 1031 of the California Building Code, unless modified elsewhere in this appendix.

**Q112.5 Smoke alarms.** Buildings or structures used for emergency housing, which provide sleeping accommodations, shall be equipped with single station battery powered smoke alarms installed in accordance with the location requirements of Section 907.2.11 of the California Fire Code, unless modified elsewhere in this appendix.

**Q112.6 Carbon monoxide alarms.** Buildings or structures used for emergency housing, which provide sleeping accommodations, and equipped with fuel-burning appliances shall be provided with carbon monoxide detection in accordance with Section 915 of the California Fire Code, unless modified elsewhere in this appendix.

**Q112.7 Fire alarm.** A manual fire alarm system capable of arousing sleeping occupants in accordance with Section 907.2.9.1 of the California Fire Code shall be installed in buildings, structures, or groups of buildings or structures used for emergency housing and having a gross floor area of more than 2,500 square feet or having more than 49 sleeping occupants.

**Exception:** Individual buildings or structures in a group of buildings or structures with sufficient separation distances to allow each building or structure to function independently in case of a fire, as approved by the Fire Marshal.

**Q112.8 Automatic sprinkler systems.** Fire sprinklers shall be provided for new and existing buildings or structures used for emergency housing, including sleeping cabins,

which provide sleeping facilities, as required by Section 903.3 of the California Fire Code. Strict compliance with the requirements of Section 903.3 may not be required when approved by the Fire Marshal. The Fire Marshal is authorized to accept reasonably equivalent alternatives to the installation provisions of Section 903.3 when dealing with buildings or structures used for emergency housing.

**Q112.9 Fire extinguishers.** Portable fire extinguishers shall be provided in accordance with Section 906.1 of the California Fire Code.

**Q112.10 Flammable or combustible liquids.** The possession or storage of any flammable or combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any type of open flame indoors is prohibited unless conditionally approved by the Fire Chief.

**Q112.11 Storage in attics, under-floor and concealed spaces.** Combustible materials, including but not limited to the possessions of occupants, users and staff shall not be stored in attics, under-floor spaces, or within other concealed spaces of buildings or structures used for emergency housing with sleeping accommodations.

**Q112.12 Fire department access.** Fire Department access to building and premises used for emergency housing shall be in compliance with Section 503, Section 504 and Appendix D of the California Fire Code, as approved by the Fire Chief.

**Q112.13 Water supply.** An approved fire protection water supply complying with Section 507 of the California Fire Code, or as approved by the Fire Chief, shall be provided for each structure, group of structures or premises used for emergency housing.

## **SECTION Q113**

### **ADDITIONAL REQUIREMENTS**

**Q113.1 Operating procedures.** Operating procedures including a security plan and service requirements shall be developed by the professional service provider and shown to be consistent with the shelter standards imposed by the Alameda County Social Services Agency. These procedures shall be designed to maintain order and safety within the buildings or structures used for emergency housing.

## **SECTION Q114**

### **ALTERNATIVES AND MODIFICATIONS**

**Q114.1 Alternatives and modifications.** Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the Local Administrative Authority in individual cases when dealing with buildings or structures used for emergency housing.

**NOTE:**

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1. (Ord. 7613-NS § 3, 2018)

**Section 2.** That Berkeley Municipal Code Chapter 19.29 is hereby repealed and reenacted to read as follows:

## Chapter 19.29

### BERKELEY RESIDENTIAL CODE

#### Sections:

- 19.29.010 Adoption of California Residential Code.**
- 19.29.020 Title.**
- 19.29.030 Administrative Provisions.**
- 19.29.040 Subsection R301.2 Climatic and Geographic Design Criteria.**
- 19.29.050 Technical Amendments to Structural Standards.**

#### **19.29.010 Adoption of California Residential Code.**

The California Residential Code, 2025 Edition, as adopted in Title 24 Part 2.5 of the California Code of Regulations, including Appendices BB, BF, BI, BJ, BK and CI is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.29.020 Title.**

This Code shall be known as the "Berkeley Residential Code" and may be cited as "this Code".

#### **19.29.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Residential Code (CRC) administrative provisions that may conflict.

For regulations governing wood burning appliances see BMC 19.28.040.

#### **19.29.040 CRC Subsection R301.2 Climatic and geographic design criteria.**

**TABLE R301.2  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD <sup>o</sup>	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM		
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind- borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>
ZERO	95	NO	NO	NO	D <sub>2</sub> or E	NEGLIGIBLE	N/A	VERY HEAVY
ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>		FLOOD HAZARDS <sup>g</sup>		AIR FREEZING INDEX <sup>i</sup>		MEAN ANNUAL TEMP <sup>j</sup>		
NO		See Footnote 'p'		ZERO		57.2°F		

MANUAL J DESIGN CRITERIA <sup>n</sup>						
Elevation	Altitude correction factor e	Coincident wet bulb	Indoor winter design <u>relative humidity</u>	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
345	N/A	63	N/A	70	40	30
Latitude	Daily range	Indoor summer design relative humidity	<u>Summer Design Grains</u>	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
38	16	50	-6	75	80	5

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216 or ASTM C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the ultimate design wind speeds map [Figure R301.2(2)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The jurisdiction shall fill in this section of the table to establish the design criteria using Table 10A from ACCA Manual J or established criteria determined by the jurisdiction.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with: the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); and the title and date of the currently effective Flood Insurance Study or other flood hazard study and maps adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(2), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the allowable stress design table using the Ground Snow Loads in Figure R301.2(3).
- p. Flood Hazard Data for the City of Berkeley:  
Date of Jurisdiction's Entry into the NFIP: December 7, 1973;

Date of adoption of the first code or ordinance for management of flood hazards: Ordinance No. 5085-N.S., July 25, 1978;  
Date of Flood Insurance study: Aug 3, 2009;  
Panel numbers and dates of all currently effective maps adopted by the AHJ (Ordinance 7108-NS 9/29/09):

- FEMA's "Use of Digital Flood Hazard Data" establishes that paper and digital maps are equivalent. Policy and related information are available from FEMA. The policy implements section 107 of Public Law 108-264, 118 Stat. 724 (2004)
- Panel 13 (not available in printed form)
- Panel 14 of 725, Map Number 06001C0014G, August 3, 2009
- Panel 18 of 725, Map Number 06001C0018G, August 3, 2009
- Panel 19 of 725, Map Number 06001C0019G, August 3, 2009
- Panel 38 (not available in printed form)
- Panel 51 (not available in printed form)
- Panel 52 of 725, Map Number 06001C0052G, August 3, 2009
- Panel 53 (not available in printed form)
- Panel 54 of 725, Map Number 06001C0054G, August 3, 2009
- Panel 56 of 725, Map Number 06001C0056G, August 3, 2009
- Panel 57 of 725, Map Number 06001C0057G, August 3, 2009
- Panel 80 of 725, Map Number 06001C0080G, August 3, 2009

### **19.29.050 Technical Amendments to Structural Standards**

**Chapter 6** of the 2025 California Residential Code is adopted in its entirety subject to the modifications thereto which are set forth below.

#### **Table R602.10.3(3) BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY<sup>l,j</sup>**

Add new footnotes "i" and "j" to the end of Table R602.10.3(3) to read:

i. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>.

j. Method DWB are not permitted in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub> where S<sub>1</sub> is greater than or equal to 0.75.

Add a new Subsection R602.10.4.5, to read:

**R602.10.4.5 Limits on methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted, but gypsum board is permitted to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story dwellings and accessory structures.

**Section 3.** That Berkeley Municipal Code Chapter 19.30 is hereby repealed and

reenacted to read as follows:

## Chapter 19.30

### BERKELEY ELECTRICAL CODE

#### Sections:

- 19.30.010 Adoption of California Electrical Code.**
- 19.30.020 Title.**
- 19.30.030 Administrative provisions.**
- 19.30.040 Amendments to the California Electrical Code**

#### **19.30.010 Adoption of California Electrical Code.**

The California Electrical Code, 2025 Edition, as adopted by the California Code of Regulations, Title 24, Part 3 is hereby adopted and made a part of this Chapter as though fully set forth herein subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.30.020 Title.**

This Code shall be known as the "Berkeley Electrical Code" and may be cited as "this Code".

#### **19.30.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any administrative provisions contained in Article 89 General Code Provisions that may conflict.

#### **19.30.040 Amendments to the California Electrical Code**

**Chapter 3** of the 2025 California Electrical Code is adopted in its entirety subject to the modifications thereto which are set forth below:

#### **303.3(C) Conductors of Different Systems.**

**(1) 1000 Volts, Nominal, or Less.** Conductors of ac and dc circuits, ~~rated 1000 volts, nominal, or less, from separately derived systems, from separate services, or from separate utility meters~~ shall not be permitted to occupy the same equipment wiring enclosure, cable, or raceway with conductors from other systems, services, or meters. All conductors shall have an insulation rating equal to at least the maximum circuit voltage applied to any conductor within the enclosure, cable, or raceway.

Secondary wiring to electric-discharge lamps of 1000 volts or less, if insulated for the secondary voltage involved, shall be permitted to occupy the same luminaire, sign, or outline lighting enclosure as the branch-circuit conductors.

**Section 4.** That Berkeley Municipal Code Chapter 19.32 is hereby repealed and reenacted to read as follows:

## Chapter 19.32

### BERKELEY MECHANICAL CODE

#### Sections:

- 19.32.010 Adoption of the California Mechanical Code.**
- 19.32.020 Title.**
- 19.32.030 Administrative provisions.**
- 19.32.040 Amendments to the California Mechanical Code**

#### **19.32.010 Adoption of the California Mechanical Code.**

The California Mechanical Code, 2025 Edition, as adopted in Title 24 Part 4 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.32.020 Title.**

This Code shall be known as the "Berkeley Mechanical Code" and may be cited as "this Code".

#### **19.32.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Mechanical Code administrative provisions that may conflict.

#### **19.32.040 Amendments to the California Mechanical Code**

**Chapter 4** of the 2025 California Mechanical Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**405.4.1 Exhaust Rate.** For intermittent-controlled operations, the exhaust rate shall be not less than 100 ft<sup>3</sup>/min (47.2 L/s) for range hoods or 300 ft<sup>3</sup>/min (142 L/s) for mechanical exhaust fans and shall be rated for sound at a maximum of 3 sone at greater than or equal to 100 ft<sup>3</sup>/min (47.2 L/s), including downdraft appliances. For continuous operated ventilation, the exhaust rate shall be not less than 50 ft<sup>3</sup>/min (23.6 L/s) and shall be rated for sound at a maximum of 1.0 sone.

Exception: A vented range hood shall not be required in dwelling unit kitchens equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2.

**Section 5.** That Berkeley Municipal Code Chapter 19.34 is hereby repealed and reenacted to read as follows:

## Chapter 19.34

### BERKELEY PLUMBING CODE

#### Sections:

<b>19.34.010</b>	<b>Adoption of the California Plumbing Code.</b>
<b>19.34.020</b>	<b>Title.</b>
<b>19.34.030</b>	<b>Administrative provisions.</b>
<b>19.34.040</b>	<b>Gas Shut-Off Valves</b>

#### **19.34.010 Adoption of the California Plumbing Code.**

The California Plumbing Code, 2025 Edition, as adopted in Title 24 Part 5 of the California Code of Regulations, including Appendices A, B and D, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.34.020 Title.**

This Code shall be known as the "Berkeley Plumbing Code" and may be cited as "this Code."

#### **19.34.030 Administrative Provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Plumbing Code administrative provisions that may conflict.

#### **19.34.040 Gas Shut-Off Valves**

**Chapter 12** of the 2025 California Plumbing Code is adopted in its entirety subject to the modifications thereto which are set forth below.

#### **1209.0 Excess Flow Valve Automatic Gas Shut-Off Valves.**

**1209.2 General Requirements for Automatic Gas Shut-Off Valves.** Automatic gas shut-off valves shall:

1. Comply with all applicable requirements of the Berkeley Plumbing Code.

2. Be tested and listed by recognized testing agencies such as the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO) or any other agency approved by the State of California Office of the State Architect (OSA).
3. Be installed on downstream side of the gas utility meter.
4. Be installed in accordance with the manufacturer's instructions.
5. Provide a method for expedient and safe gas shut-off in an emergency.
6. Provide a capability for ease of consumer or owner resetting in a safe manner.

### **1209.3 Definitions**

For the purpose of this Section, terms shall be defined as follows:

**AUTOMATIC GAS SHUT- OFF VALVE** shall mean either a motion activated gas shut-off valve or device or an excess flow gas shut-off valve or device.

**DOWNSTREAM OF GAS UTILITY METER** shall mean all gas piping on the property owner's side of the gas meter and after the service tee.

**MOTION ACTIVATED GAS SHUT OFF VALVE** shall mean an approved gas valve activated by motion. Valves are set to activate in the event of a moderate or strong seismic event greater than 5.0 on the Richter scale.

**UPSTREAM OF GAS UTILITY METER** shall mean all gas piping installed by the utility up to and including the meter and the utility's service tee.

**1209.4 Motion Activated Gas Shut-off Valve, Required.** A listed motion activated gas shut-off valve shall be installed as follows:

**1209.4.1 New Construction.** In any newly constructed building or structure containing fuel gas piping.

**1209.4.2 Existing Buildings with a single meter.** In any existing building or structure containing fuel gas piping served by a single gas meter, when any addition, alteration or repair is made for which a mechanical or plumbing permit is issued.

**1209.4.3 Existing Buildings with separate meters serving individual units or tenant spaces.** In any existing building or structure containing fuel gas piping served by multiple gas meters, when any addition, alteration or repair is made to an individual unit or tenant space for which a mechanical or plumbing permit is issued. The

requirement for a motion activated gas shut off valve shall apply to the gas meter serving the individual unit or tenant space and the gas meter serving common area(s).

**Exceptions:**

1. Existing automatic gas shut-off valves installed prior to the effective date of this Section, provided the valves are maintained in operational condition.
2. Automatic gas shut-off valves installed on a gas distribution system owned or operated by a public utility.

**Note:** For the purpose of the requirements of this Section, excess flow valves are not permitted to be installed as a substitute for motion activated gas shut-off valves.

**1209.5 Mounting.** Motion activated seismic gas shut-off valves shall be mounted rigidly to the building or structure containing the fuel gas piping, unless otherwise specified in the manufacturer's installation instructions.

**Section 6.** That Berkeley Municipal Code Chapter 19.36 is hereby repealed and reenacted to read as follows:

**Chapter 19.36**

**BERKELEY ENERGY CODE**

**Sections:**

- |                  |  |
|------------------|--|
| <b>19.36.010</b> | <b>Adoption of the California Energy Code.</b>   |
| <b>19.36.020</b> | <b>Title.</b>                                    |
| <b>19.36.030</b> | <b>Administrative provisions.</b>                |
| <b>19.36.040</b> | <b>Amendments to the California Energy Code.</b> |

**19.36.010 Adoption of the California Energy Code.**

The California Energy Code, 2025 Edition, as adopted in Title 24 Part 6 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

**19.36.020 Title.**

This Code shall be known as the "Berkeley Energy Code" and may be cited as "this Code".

**19.36.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Energy Code administrative provisions that may conflict.

**Section 7.** That Berkeley Municipal Code Chapter 19.37 is hereby repealed and reenacted to read as follows:

### Chapter 19.37

### BERKELEY GREEN CODE

#### Sections:

<b>19.37.010</b>	<b>Adoption of the California Green Building Standards Code.</b>
<b>19.37.020</b>	<b>Title.</b>
<b>19.37.030</b>	<b>Administrative provisions.</b>
<b>19.37.040</b>	<b>Amendments to the California Green Building Standards Code.</b>

#### **19.37.010 Adoption of the California Green Building Standards Code.**

The California Green Building Standards Code (CALGreen), 2025 Edition, as adopted in Title 24 Part 11 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

#### **19.37.020 Title.**

This Code shall be known as the "Berkeley Green Code" and may be cited as "this Code".

#### **19.37.030 Administrative provisions.**

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Green Building Standards Code administrative provisions that may conflict.

#### **19.37.040 Amendments to the California Green Building Standards Code.**

**Chapter 3 Green Building** of the California Green Building Standards Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**301.1.2 Residential waste diversion.** The requirements of Section 4.408 shall be required for:

1. Any additions or alterations, which increase the building's conditioned area, volume or size
2. Any building alterations with a permit valuation over \$100,000
3. Any interior or exterior demolitions valued over \$3,000

**301.3.2 Nonresidential waste diversion.** The requirements of Section 5.408 shall be required for additions and, alterations and demolitions whenever a permit is required for work.

**Chapter 4 Residential Mandatory Measures** of the California Green Buildings Code is adopted in its entirety subject to the modifications thereto which are set forth below:

**4.106.4.1 New one- and two-family dwellings and townhouses with attached or detached private garages, carports, or any other on-site parking.** For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. ~~The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device~~ minimum 40-ampere 208/240-volt dedicated EV branch circuit in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

**Exception:** ~~A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.~~

**4.106.4.1.1 Identification.** The service panel or subpanel circuit directory shall identify the overcurrent protective device ~~space(s) reserved for future EV charging as "EV CAPABLEREADY".~~ The raceway termination location shall be permanently and visibly marked as "EV CAPABLEREADY".

#### **4.106.4.2.2 Multifamily dwellings.**

##### **1. EV ready parking spaces with receptacles.**

a. **Multifamily parking facilities with assigned parking.** Where dwelling units are provided with assigned parking spaces equal to or greater than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided at an assigned parking space for each dwelling unit.

1. Where the total number of dwelling units exceeds the number of assigned parking spaces, all assigned parking spaces shall be provided with one low power Level 2 EV charging receptacle.

**Exception:** ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or~~

~~parking facilities otherwise incapable of supporting electric vehicle charging. Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.~~

- b. **Multifamily parking facilities with unassigned parking.** Where dwelling units are provided with unassigned parking spaces equal to or greater than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided at an unassigned parking space for each dwelling unit.

1. Where the total number of dwelling units exceeds the number of unassigned parking spaces, all unassigned parking spaces shall be provided with one low power Level 2 EV charging receptacle.

**Exception:** ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging. Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.~~

- c. **Multifamily parking facilities with assigned and unassigned parking.** Where multifamily buildings are provided with both assigned and unassigned parking spaces equal to or greater than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided for each dwelling unit at either the assigned or unassigned parking space, but not both.

- d. **Receptacle power source.** EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency.

**Exception:** ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging. Areas of parking facilities served by parking lifts, provided the required percentage of EV Chargers spaces are installed elsewhere.~~

- e. **Receptacle configurations.** 208/240V EV charging receptacles shall

comply with one of the following configurations:

1. For 20-ampere receptacles, NEMA 6-20R
2. For 30-ampere receptacles, NEMA 14-30R
3. For 50-ampere receptacles, NEMA 14-50R

#### 4.106.4.2.6 Hotels and motels.

##### 1. EV ready parking spaces with receptacles.

- a. **Hotels and motels.** Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

**Exception:** ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

- b. **Receptacle configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:
  1. For 20- ampere receptacles, NEMA 6-20R
  2. For 30- ampere receptacles, NEMA 14-30R
  3. For 50- ampere receptacles, NEMA 14-50R

##### 2. EV Ready parking spaces with EV chargers.

- a. **Hotels and motels.** Twenty-five (25) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers.
- b. **EV charger connectors.** EV chargers shall be equipped with J1772 or J3400 connectors.

**Exception:** ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

- c. An automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EV chargers shall have a capacity of not less than 30 amperes.

## **SECTION 4.405—MATERIAL SOURCES (RESERVED)**

**4.405.1 Reduction in cement use.** As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash
2. Slag
3. Silica fume
4. Rice hull ash

**Exception:** Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.

**4.408.1 Construction waste management.** Recycle and/or salvage for reuse 100% of excavated soil and land-clearing debris, 100% of concrete, 100% of asphalt, and a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance.

### **Exceptions:**

1. ~~Excavated soil and land-clearing debris.~~ (Reserved)
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

**Chapter 5 Nonresidential Mandatory Measures** of the California Green Buildings Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

**5.106.5.3 Electric vehicle (EV) charging. [N] [BSC-CG]** Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 EV capable spaces, Section 5.106.5.3.2 Electric vehicle charging stations and associated ~~Table 5.106.5.3.1~~, or Section 5.106.5.3.6 Electric vehicle charging stations (EVCS)-Power allocation method and associated ~~Table 5.106.5.3.6~~, and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*.

### **Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
  - a. Where there is no local utility power supply.
  - b. Where the local utility is unable to supply adequate power.
  - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
2. ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

**5.106.5.3.1 EV Capable Spaces.** ~~[N] Twenty (20) percent of the total number of parking spaces shall be EV capable spaces. Calculation for EV capable spaces shall be rounded up to the nearest whole number. shall be provided in accordance with Table 5.106.5.3.1 and The spaces shall comply with the following requirements:~~

1. Raceways complying with the *California Electrical Code* and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box, enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.
2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volt, 40-ampere minimum branch circuit for each EV capable space, with delivery of 30-ampere minimum to an installed EVSE at each EVCS.
3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.
4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE.”

**Note:** A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.

TABLE 5.106.5.3.1—EV CAPABLE SPACES AND EVCS			
TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES	OTHER THAN OFFICE AND RETAIL	OFFICE AND RETAIL NUMBER OF REQUIRED EVCS 2, 3

		NUMBER OF REQUIRED EVCS <sup>2, 3</sup>	
1-9	0	0	0
10-25	4	2	3
26-50	8	4	6
51-75	13	6	8
76-100	17	8	13
101-150	25	12	19
151-200	35	18	26
201 and over	20 percent of actual parking spaces <sup>1</sup>	50 percent of EV capable spaces <sup>1</sup>	75 percent of EV capable spaces <sup>1</sup>
<p>1. Calculation for spaces shall be rounded up to the nearest whole number.</p> <p>2. Each EVCS shall reduce the number of required EV capable spaces by the same number.</p> <p>3. At least one Level 2 EVSE shall be provided.</p>			

**5.106.5.3.2 Electric vehicle charging stations (EVCS).** Separate and in addition to the requirements of Section 5.106.5.3.1, fifteen (15) percent of the total number of parking spaces of Office and Retail Occupancies and ten (10) percent of the total number of parking spaces for all other nonresidential occupancies shall be EV capable spaces shall be provided with electric vehicle supply equipment (EVSE) to create EVCS in the number indicated in Table 5.106.5.3.1. Calculation of required EVCS shall be rounded up to the nearest whole number. The EVCS required by Table 5.106.5.3.1 by this section shall be provided with Level 2 EVSE or DCFC as permitted in Section 5.106.5.3.2.3. At least one minimum 6.6 kVA Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

**5.106.5.3.2.1 Receptacle configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:

1. For 20-ampere receptacles, NEMA 6-20R
2. For 30-ampere receptacles, NEMA 14-30R
3. For 50-ampere receptacles, NEMA 14-50R

**5.106.5.3.2.2 EV charger connectors.** EV chargers shall be equipped with SAE J1772 with a maximum output 240 Volts AC or SAE J3400 connectors.

When using level 2 SAE J3400 SAE connectors, supplied by a 480 V 3-phase service, at least 20 percent of the EV charger connectors shall be SAE J1772 with a maximum output 240 Volts AC.

**5.106.5.3.2.3** The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE or EVCS with Level 2 EVSE by five, and reduce proportionally the required electrical load capacity to the service panel or subpanel.

**5.106.5.3.2.4** The installation of two low power Level 2 EV charging receptacles shall be permitted to reduce the minimum number of required EV capable spaces without EVSE in ~~Table 5.106.5.3.1~~ required by Section 5.106.3.2.1 by one.

**5.106.5.3.2.4.1 Raceway capacity requirements.** To allow for future upgrades to the electrical conductors serving low power Level 2 charging receptacles, the listed raceway serving such receptacles shall be sized to allow the installation of a dedicated 208/240-volt 40-ampere branch circuit. Where no raceway is used, the conductors shall be sized to accommodate a 208/240-volt 40-ampere receptacle.

**5.106.5.3.6 Electric vehicle charging stations (EVCS) - power allocation method.**

The power allocation method, based on occupancy classification, may be used as an alternative to the requirements in ~~Section 5.106.5.3.1, and Section 5.106.5.3.2 and associated Table 5.106.5.3.1.~~ Use ~~Table 5.106.5.3.6~~ the following factors to determine the total power in kVA required based on the total number of actual parking spaces.

- A. Office and Retail Occupancies: The product of the factor of 0.99kVA/parking space times the total number of parking spaces serving Office and/or Retail occupancies determines the total power in kVA for EVSE charging infrastructure required.
- B. For occupancies other than Office and Retail occupancies: The product of the factor 0.66 kVA/parking space times the total number of parking spaces determines the power in kVA required for EVSE charging infrastructure required.

Power allocation method shall include the following:

1. Use any kVA combination of ~~EV-capable spaces~~, low power Level 2, Level 2 or DCFC EVSEs.
2. At least one Level 2 EVSE shall be provided.
3. Any remainder power allocation kVA from Section 5.106.3.6 Item (1) shall be converted to one additional low power Level 2 EVSE.

TABLE 5.106.5.3.6-EVCS—POWER ALLOCATION METHOD			
TOTAL NUMBER OF ACTUAL PARKING SPACES	MINIMUM TOTAL kVA @ 6.6 kVA	OTHER THAN OFFICE AND RETAIL TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE <sup>3,4</sup> , LOW POWER LEVEL 2, LEVEL 2 <sup>1,2</sup> , OR DCFC	OFFICE AND RETAIL TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE <sup>4,5</sup> , LOW POWER LEVEL 2, LEVEL 2 <sup>1,2</sup> , OR DCFC
1-9	0	0	0
10-25	26.4	26.4	26.4
26-50	52.8	52.8	52.8
51-75	85.8	85.8	85.8
76-100	112.2	112.2	112.2

101-150	165	165	165
151-200	234	234	234
201 and over	20 percent if actual parking spaces x 6.6	Total required kVA = $P \times .20 \times 6.6$ Where P = Parking spaces in facility	Total required kVA = $P \times .20 \times 6.6$ Where P = Parking spaces in facility
1. Level 2 EVSE @ 6.6 kVA minimum. 2. At least one Level 2 EVSE shall be provided. 3. Maximum allowed kVA to be utilized for EV capable spaces is 75 percent. 4. If EV capable spaces are utilized, they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces. 5. For office and retail buildings the maximum allowed kVA to be utilized for EV capable spaces is 25 percent.			

**5.106.5.4.1 Existing buildings or parking areas without previously installed EV capable infrastructure [A].** When EV capable infrastructure does not exist at an existing parking facility or building, and the parking facility or building undergoes an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with either Section 5.106.5.3 and associated Table 5.106.5.3.1, or Section 5.106.5.3.6 and associated Table 5.106.5.3.6 for the total number of actual parking spaces being added or altered.

**5.106.5.4.2 Existing buildings or parking areas with previously installed EV capable infrastructure [A].** When EV capable infrastructure is available at an existing parking facility or building, and the parking facility or building is undergoing an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with either Section 5.106.5.3 and associated Table 5.106.5.3.1, or Section 5.106.5.3.6 and associated Table 5.106.5.3.6. Install EVCS at all existing EV capable spaces, utilizing the existing allocated power and infrastructure for the total number of actual parking spaces being added or altered, prior to adding any new EV capable spaces. If the area being added or altered exceeds the existing EV capable capacity, allocated power and infrastructure, provide additional EV charging as needed to comply with this section.

## **SECTION 5.405—MATERIAL SOURCES (RESERVED)**

**5.405.1 Reduction in cement use.** As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash.
2. Slag.
3. Silica fume.
4. Rice hull ash.

**Exception:** Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.

**5.408.3 Concrete, asphalt, excavated soil and land clearing debris.** 100 percent of concrete, asphalt, trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.

**Exception:** Reuse, either on-or off-site, of vegetation or soil contaminated by disease or pest infestation.

**Notes:**

1. If contamination by disease or pest infestation is suspected, contact the County Agricultural Commissioner and follow its direction for recycling or disposal of the material. ([www.cdfa.ca.gov/](http://www.cdfa.ca.gov/))
2. For a map of known pest and/or disease quarantine zones, consult with the California Department of Food and Agriculture. ([www.cdfa.ca.gov](http://www.cdfa.ca.gov/))

**Section 8.** Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

\* \* \* \* \*

RESOLUTION NO. ##,###-N.S.

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY ENUMERATED LOCAL BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, the City is proposing to readopt various enumerated changes and modifications to the 2025 California Building Standards Code, California Code of Regulations, Title 24, as set forth below; and

WHEREAS, Health & Safety Code §17958(a) allows the City to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements where those modifications or changes are substantially equivalent to changes or modifications that were previously filed by the City and were in effect as of September 30, 2025; and

WHEREAS, all the proposed changes and modifications to the 2025 California Building Standards Code were in effect as of September 30, 2025, except for certain minor technical changes proposed here for clarity and consistency; and

WHEREAS, Health & Safety Code §§17958,17958.5 and17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of "local climatic, geological, or topographical conditions"; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission; and

WHEREAS, on May 7, 2024, the Berkeley City Council adopted Resolution No. 71,320-N.S. making findings in support of previous local code amendments.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it finds that each of the proposed changes or modifications to the California Building Standards Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

**A. LOCAL CONDITIONS**

**1. Climatic Conditions**

a. Discussion

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wild land fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions occur where the temperature is greater than 80°F, the wind speed is greater than 15 mph, fuel moisture is less than or equal to 10.0 percent, wind direction is from north to the east-southeast and the ignition component is 65 or greater. These conditions occur more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wild land areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.

In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.

On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 70 homes in Oakland.

Berkeley frequently experiences cold winter days with accompanying temperature inversions which trap wood smoke near the ground and increase air pollution. These stagnant air days are marked by increased acute respiratory disease, including asthma, and a small but consistent increase in deaths from heart and lung disease. During these periods the usual onshore flow of clean marine air ceases and wood smoke air pollution becomes an area-wide phenomena. Studies by the Bay Area Air Quality Management District suggest that between 20 and 50% of air polluting small particles come from residential wood burning.

In addition, local surface winds frequently transport moisture laden air from the surface of the Bay waters into the City. Larger scale prevailing weather patterns and winds created by the jet stream from the west also transport highly humid air and storms across the

Pacific Ocean through the strait between the San Francisco peninsula and the Marin Headlands straddled by Golden Gate Bridge and into the City. The moderating effect of the Bay waters on local temperatures tends to reduce local temperature extremes, even during periods of high inland temperatures. The combination of moist air from adjacent waters and the associated mild temperatures means that it is common for local weather conditions to hover near the dew point. This can result in the formation of fog associated with local and regional marine weather layers, which commonly cover the City for hours or even days at a time with an average morning relative humidity of 82 percent.

Much of Northern California is considered to possess a predominantly Mediterranean climate. At times Berkeley does experience periods of high temperature and/or low humidity particularly between mid-July and mid-October, when the danger of hillside fires is greatest. Throughout the rest of the year, the marine weather environment is characterized by higher humidity and lower overall prevailing temperatures, resulting in a higher overall moisture content in building construction materials and slower drying of building materials and assemblies once wet or humidified.

Scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change. Human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water, drought conditions, increase in vegetative fuel, and length of fire seasons. As a coastal city located on the San Francisco Bay, Berkeley is experiencing the repercussions of climate change due excessive greenhouse gas emissions. Rising sea levels have caused significant coastal erosion and have increased impacts to infrastructure during extreme tides.

Scientific evidence also suggests storms are growing with higher intensity due to climate change and will be followed by an increased frequency of dry periods. By 2100, average temperatures in the San Francisco Bay Area is expected to increase up to 11°, bringing 6-10 additional heat waves to Berkeley each year. According to historical records, Bay Area sea level has risen 8 inches over the last century and the pace of sea level rise has increased since 2011. While regional variability exists, the median increase for the San Francisco Bay is expected to reach almost 1 ft by 2050<sup>1</sup> under a low risk model, while 2.7 ft is projected under an extreme risk scenario. Such climate change events are expected to increase the risk of flooding in low-lying areas of Berkeley, while hillside communities face increased risk of wildfires.

## b. Summary

Local climatic conditions of periods of limited rainfall, high temperature and/or low humidity particularly between mid-July and mid-October, and high winds along with existing building construction create periodic extremely hazardous fire conditions that

---

<sup>1</sup> Griggs, G., Cayan, D., Tebaldi, C., Fricker, H., & Árvai, J. (2017). Rising Seas in California. California Ocean Science Trust, (April), 71. Retrieved from <http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>

adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Throughout the rest of the year, the marine weather environment is characterized by higher humidity and lower overall prevailing temperatures, resulting in a higher overall moisture content in building construction materials and slower drying of building materials and assemblies once wet or humidified. Berkeley is susceptible to the impacts of climate change, including sea level rise, increased average temperatures, and reduced air quality.

## **2. Geological Conditions**

### **a. Discussion**

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply and natural gas lines. Intensified damage during an earthquake may be expected in liquefaction zones along the Bay west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be significantly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. Summit Reservoir at the Kensington border in Berkeley and Berryman Reservoir North have recently been replaced by steel tanks. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fire in the streets, building fires, as the result of broken service connections, the need for rescues for collapsed structures, and the rendering of first aid and other medical attention to a large number of people.

b. Summary

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit property damage as a result of a seismic activity and to establish criteria for repair of damaged properties following a local emergency.

**3. Topographical Conditions**

a. Discussion

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in height from grade level. The fire potential is moderately high due to building congestion, heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 124,321 per the 2021 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Freeway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have included increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

Part of the Pacific Coast Range, the Berkeley Hills, define the eastern boundary of the City and form a natural obstruction to the movement of humidified, cooler air out of the San Francisco Bay basin and the City of Berkeley into the dryer adjacent inland valleys and the interior of the State. Although these hills do not form an absolute air barrier, they do play a significant role in the creation of local microclimates. This effect is evidenced by the disparity in temperatures and relative humidity commonly experienced during periods of warm weather between communities adjacent to the San Francisco Bay / Pacific Ocean and communities in the Bay Area inland valleys only a few miles inland.

The City of Berkeley is part of a densely populated metropolitan area with limited space for landfills. It is important to preserve the limited landfill space for materials which cannot be diverted and to keep land-clearing debris out of landfills, where decomposition of such organic material would result in methane.

b. Summary

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can cause increased disease, including asthma, and increased deaths from heart and lung disease. The built environment also provides little space for landfills.

**B. REASONABLE NECESSITY**

The proposed changes and modifications to the California Building Standards Code are reasonably necessary due to the local conditions set forth above because they reduce the risks to life, public safety, health, welfare and property which result from the City's changing climate and location astride an active earthquake fault. They are further justified for the reasons set forth below.

In adopting the California Building Standards Code as the Berkeley Building Codes, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Building Standards Code. These are:

- (1) Building standards relating to increased fire resistance (Berkeley Building Code Chapter 19.28 Article 2);
- (2) Standards to reduce the health risk caused by wood smoke under the climatic conditions of Berkeley (Berkeley Building Code Chapter 19.28 Article 3);
- (3) Building standards for retrofit of certain existing building types with seismic weaknesses (Berkeley Building Code Chapter 19.28 Article 5);
- (4) Standards for repair of existing buildings (Berkeley Building Code Chapter 19.28, Article 6);
- (5) Provisions requiring retrofitting of unreinforced masonry buildings (Berkeley Building Code Chapter 19.28 Article 6 and Berkeley Municipal Code Chapter 19.38);
- (6) Provisions requiring retrofitting of soft, weak, or open front buildings (Berkeley Building Code Chapter 19.28 Article 6 and Berkeley Municipal Code Chapter 19.39);

- (7) Various technical amendments to structural standards (Berkeley Building Code Chapter 19.28 Article 7, Berkeley Residential Code Chapter 19.29 Section 19.29.060);
- (8) Building standards for construction of exterior elevated elements (E3) to resist moisture intrusion (Berkeley Building Code Chapter 19.28 Article 8);
- (9) Building standards for emergency housing during the declaration of a shelter crisis (Berkeley Building Code Chapter 19.28 Article 9);
- (10) Provisions requiring conductor separation for conductors of different systems (Berkeley Electrical Code Chapter 19.30 Section 19.30.040);
- (11) Provisions requiring range hood ventilation with sound ratings in residential dwelling units (Berkeley Mechanical Code Chapter 19.32 Section 19.32.040);
- (12) Provisions requiring installation of motion activated gas shut-off valves (Berkeley Plumbing Code Chapter 19.34 Section 19.34.040);
- (13) Provisions increasing and expanding the applicability of construction and demolition waste diversion requirements (Berkeley Green Code Chapter 19.37 Section 19.37.040);
- (14) Provisions to reduce the cement content in construction concrete mix designs (Berkeley Green Code Chapter 19.37 Section 19.37.040); and
- (15) Provisions for increasing electric vehicle charging requirements in new low-rise residential, multifamily, and nonresidential buildings. (Berkeley Green Code Chapter 19.37 Section 19.37.040).

These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

- The fire -resistive construction in the city made pursuant to Chapter 19.28 Article 2 reduce the risk to life and property associated with structure fires in the City.
- The air pollution modifications made by Chapter 19.28 Article 3 Section 19.28.040, and Chapter 19.32 Section 19.32.040 reduce the risk to public safety created by air pollution throughout the City.
- The structural modifications made by Chapter 19.28 Article 5, Article 6, Article 7, Chapter 19.29 Section 19.29.060, Chapter 19.32 Section 19.32.40, Chapter 19.34 Section 19.34.040, Chapters 19.38 and 19.39 reduce the risk to life and property and hasten recovery from predictable future natural disasters.
- The E3 modifications made by Chapter 19.28, Article 8, reduce the risk to life and property resulting from the effect of the City's climate and topography on exterior building construction features and materials.
- The waste diversion modifications made by Chapter 19.37 Section 19.37.040 improve public health, safety and welfare by preserving the limited landfill space for materials which cannot be diverted resulting from the effect of local

topography with limited space for landfills, and mitigating the impacts of climate change.

- The cement reduction modifications made by Chapter 19.37 Section 19.37.040 support the City's decarbonization efforts by reducing the embodied emissions associated with the production of concrete, thus mitigating the impacts of climate change.
- The EV infrastructure modifications made by Chapter 19.37 Section 19.37.040 support the City's decarbonization efforts by increasing electric vehicle charging infrastructure in both low-rise residential, multifamily, and nonresidential buildings, thus mitigating the impacts of climate change.

BE IT FURTHER RESOLVED that certain local amendments to the Codes are not more stringent than the provisions of the California Codes but rather cover matters not addressed by those Codes or are administrative in nature and do not modify building standards pursuant to Health & Safety Code §17958, §17958.5 and §17958.7. These amendments establish administrative regulations for the effective enforcement of building standards throughout the City of Berkeley as follows:

Chapter 19.28, Article 1 (Administrative provisions and definitions) and Article 4 (Construction in the Right of Way), and Administrative amendments to Chapter 19.29 (California Residential Code), to Chapter 19.30 (California Electrical Code), to Chapter 19.32 (California Mechanical Code), to Chapter 19.34 (California Plumbing Code), to Chapter 19.36 (California Energy Code) and to Chapter 19.37 (California Green Building Standards Code), which are local amendments to the California Codes affecting administration provisions only.

BE IT FURTHER RESOLVED that this Resolution shall go into effect on January 1, 2026.

BE IT FURTHER RESOLVED that Resolution No. 71,320-N.S. is hereby rescinded effective January 1, 2026.