



City Attorney

17 FEB 16 PM 2:02

OAKLAND CITY COUNCIL

RESOLUTION NO. 86587 C.M.S.

Introduced by Councilmember _____

RESOLUTION OF FINDINGS SUPPORTING LOCAL AMENDMENTS TO SECTIONS 4.106.4 and 5.106.5.3 OF THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE TO COMPLY WITH CHANGES TO STATE LAW AND ADOPTING CEQA EXEMPTION FINDINGS

WHEREAS, the State of California adopts a new California Building Standards Code, including, but not limited to, green building standards, every three years, which goes into effect throughout the State 180 days after publication. The California Building Standards Code is contained in Title 24 of the California Code of Regulations, and consists of several parts that are based upon model codes with amendments made by various State agencies. The California Green Building Standards Code is Part 11 of Title 24 of the California Code of Regulations. The 2016 California Green Building Standards Code will go into effect throughout California on January 1, 2017; and

WHEREAS, local jurisdictions are required to enforce the California Green Building Standards Code but they may also enact more stringent standards when reasonably necessary because of local conditions caused by climate, geology or topography. Section 101.7.1 of Part 11 of Title 24, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the local jurisdiction; and

WHEREAS, Oakland's green building standards are contained in Chapter 15 of the Oakland Municipal Code. In a separate companion ordinance, the City Council is considering incorporating certain provisions of the 2016 California Green Building Standards Code into Chapter 15 of the Oakland Municipal Code with local amendments; and

WHEREAS, California Health & Safety Code section 17958.7 provides that before making any changes or modifications to the California Green Building Standards Code and any other applicable provisions published by the State Building Standards Commission, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions, and the findings must be filed with the State Building Standards Commission before the local changes or modifications can go into effect; and

WHEREAS, the actions contemplated in this Resolution are exempt from the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) pursuant to CEQA Guidelines section 15061(b)(3) (no significant effect on the environment); now, therefore, be it

RESOLVED: That the City of Oakland is unique among California communities with respect to local climatic, geological, topographical, environmental, and other conditions. A specific list of findings that support Oakland's modifications to the 2016 California Green Building Standards Code and a section-by-section correlation of each modification with a specific finding are contained in Exhibit A entitled "Standard Findings for City of Oakland Amendments," which is attached hereto and hereby declared to be a part of this Resolution as if set forth fully herein; and be it

FURTHER RESOLVED: That pursuant to California Health & Safety Code section 17958.7, the City Council finds and determines that the local conditions described in Exhibit A constitute a general summary of the most significant local conditions giving rise to the need for modification of the 2016 California Green Building Standards Code provisions published by the State Building Standards Commission; and be it

FURTHER RESOLVED: That the City Council further finds and determines that the proposed modifications are reasonably necessary based upon the local conditions set forth in Exhibit A, and that such modifications are required in order to provide specific and greater protections to the public health, safety and welfare than are afforded by the 2016 California Green Building Standards Code; and be it

FURTHER RESOLVED: That the City Council further finds and determines that the local amendments to certain provisions of the 2016 California Green Building Standards Code, as set forth in a separate companion ordinance adopting said amendments into Chapter 15 of the Oakland Municipal Code, impose substantially the same non-administrative regulatory requirements as, and are thus consistent with and more stringent than the 2016 California Green Building Standards Code requirements; and be it

FURTHER RESOLVED: That this Resolution shall become effective immediately, unless otherwise required by the Charter of the City of Oakland; and be it

FURTHER RESOLVED: That the Building Official of the City of Oakland is hereby directed to transmit this Resolution with the Exhibit A attachment, along with a copy of said separate companion ordinance adopting local amendments to certain provisions of the 2016 California Green Building Standards Code, to the California Building Standards Commission pursuant to the applicable provisions of State law.

FEB 07 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL, WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT

GIBSON, MCELHANEY

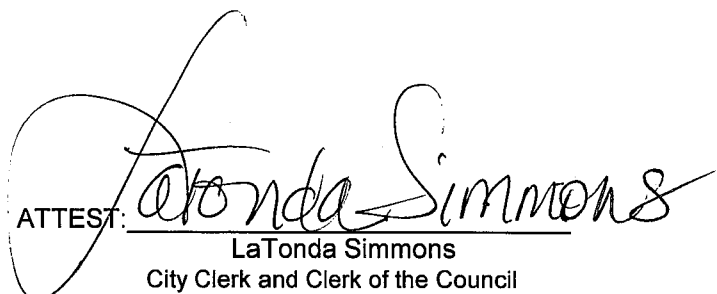
Excused - Campbell, Washington - 1

NOES - 

ABSENT - 

ABSTENTION - 

ATTEST:


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