

2013 OCT 10 PM 2:38

OAKLAND CITY COUNCIL

Approved as to Form and Legality

Ellena Chu

Office of the City Attorney

RESOLUTION No. 84687 C.M.S.

Introduced by Councilmember _____

RESOLUTION OF FINDINGS SUPPORTING LOCAL AMENDMENTS TO THE 2013 EDITION OF THE STATE HOUSING LAW REGULATIONS, CALIFORNIA CODE OF REGULATIONS, TITLE 25, DIVISION 1, CHAPTER 1, SUBCHAPTER 1, SECTION 32, TO COMPLY WITH CHANGES TO STATE LAW

WHEREAS, pursuant to California Health & Safety Code sections 17922, 17950, and 17958, the 2013 Edition of the State Housing Law Regulations, California Code of Regulations (“C.C.R.”), Title 25, Division 1, Chapter 1, Subchapter 1, Section 32, shall become effective on January 1, 2014; and

WHEREAS, said edition of the State Housing Law Regulations is derived from the non-administrative regulations set forth in the 1997 Edition of the Uniform Housing Code, as formerly published by the International Conference of Building Officials and currently published by the International Code Council; and

WHEREAS, local jurisdictions are required to enforce said edition of the State Housing Law Regulations but may also enact more stringent standards when reasonably necessary because of local conditions caused by climate, geology or topography; and

WHEREAS, California Health & Safety Code section 17958.7 provides that before making any changes or modifications to the State Housing Law Regulations 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 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, and other conditions. A specific list of findings that support the City of Oakland’s modifications to the 2013 State Housing Law Regulations 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," attached hereto and incorporated 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 2013 State Housing Law Regulations 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 be it

FURTHER RESOLVED: That the City Council of the City of Oakland further finds and determines that the local amendments to the State Housing Law Regulations, as set forth in a separate companion ordinance adopting said amendments as the Oakland Building Maintenance Code, impose substantially the same non-administrative regulatory requirements as, and are thus equivalent to or more stringent than the most current State Housing Law Regulations; 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 the 2013 Edition of the State Housing Law Regulations, to the California Building Standards Commission before January 1, 2014, pursuant to the applicable provisions of State law.

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IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

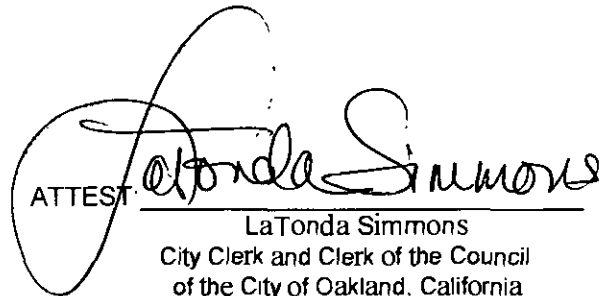
ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

STANDARD FINDINGS FOR CITY OF OAKLAND AMENDMENTS

The City Council of the City of Oakland finds that the following local amendments of the 2013 Edition of the State Housing Law Regulations are reasonable and necessary as a result of the following unique local climatic, topographic, and geologic conditions:

I. State Housing Law Regulations - Uniform Housing Code - Chapter 10 - Substandard Buildings, Health & Safety Code section 17920

Addition of the definition of geotechnical instability is necessitated by the unique local conditions in Oakland which contains older housing stock particularly susceptible to differential land subsidence due to poor alluvial soil bearing quality water saturation of subsurface supporting soil strata extensive seismic hazard zones of liquefaction and landslide risk by the California Geological Survey and the proximity of the Hayward earthquake fault.

II. State Housing Law Regulations - Uniform Housing Code - Chapter 11 - Notices and Orders of the Building Official, Health & Safety Code section 17980

Changes to the noticing provisions are necessitated by the fact the City annually mails in excess of 3,000 pieces of correspondence to property owners regarding abatement of substandard and public nuisance conditions on properties located in Oakland. The large volume of mail is in part a result of the unique local conditions in Oakland which contains older housing stock particularly susceptible to extended climatic periods of draught and precipitation and to poor drainage characteristics of the level topography and alluvial soils causing rapid decay of exposed wooden elements of buildings and explosive population growth of vermin and destructive insects. The changes will not adversely affect the property owner's ability to receive proper and actual notification of abatement orders issued by the Building Official.

III. State Housing Law Regulations - Uniform Housing Code - Chapter 12 – Appeal, Health & Safety Code section 17920

Changes to the appeal procedures are necessitated by the fact the City annually inspects and abates in excess of 8,000 substandard properties in Oakland. This large work load is in part a result of the unique local conditions in Oakland which contains older housing stock particularly susceptible to differential land subsidence due to poor alluvial soil bearing quality and water saturation and to prevailing wind damage due to topographic orientation of buildings. The changes provide staff the ability to make determinations of substandard conditions more rapidly and will not adversely affect the property owner's ability to appeal actions of the Building Official.