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COUNCILMEMBER

APPROVED FOR FORM AND LEGALITY

K. Jain
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

Resolution No. 83031 C.M.S.

**RESOLUTION OF FINDINGS MADE AND SUPPORTING LOCAL AMENDMENTS
TO THE 2010 EDITION OF THE CALIFORNIA HOUSING LAW, CALIFORNIA
CODE OF REGULATIONS (CCR), TITLE 25, DIVISION 1, CHAPTER 1,
SUBCHAPTER 1, SECTION 32**

WHEREAS, pursuant to California Health and Safety Code Sections 17922, 17950, and 17958, the 2010 edition of the California Housing Law, California Code of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Section 32 shall become effective on January 1, 2010; and

WHEREAS, said edition of the California Housing Law is derived from the 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, said edition of the California Housing Law shall be the governing code for local jurisdictions on and after said effective date; and

WHEREAS, pursuant to California Health and Safety Code Section 17958.5, local jurisdictions may adopt local amendments to said edition of the California Housing Law in the intervening time between its date of publication on July 1, 2010, and its effective date; and

WHEREAS, said local amendments shall be set forth and adopted by the local jurisdiction through an ordinance before the effective date of the said edition of the California Housing Law; and

WHEREAS, the Council of the City of Oakland has considered the adoption of such an ordinance amending said edition of the California Housing Law; and

WHEREAS, said ordinance will establish said edition of the California Housing Law with said local amendments as the governing code for the City of Oakland and will entitle said governing code as the Oakland Building Maintenance Code in Chapter 15.08 of the Oakland Municipal Code; and

WHEREAS, pursuant to California Health & Safety Code, Section 17958.7, as a condition of and concurrent with the adoption of such local amendments, the local jurisdiction is required to

make express findings that such amendments are reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, the Council of the City of Oakland hereby finds that the requirements of the California Environmental Quality Act (CEQA) of 1970, the Guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with Section 15061(b)(3) of the California Code of Regulations the adoption of local amendments to the 2010 edition of the California Housing Law, California Code of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Section 32, and amending Chapter 15.08 of the Oakland Municipal Code are exempt from the provisions of the California Environmental Quality Act; now, therefore, be it

RESOLVED: That the City Council finds and determines that said local amendments of the California Housing Law, as set forth in said edition of the Oakland Building Maintenance Code, impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry codes and current California Housing Law requirements; and be it

FURTHER RESOLVED: That the Council of the City of Oakland finds that such local amendments of the California Housing Law are necessary as result of unique local conditions:

**I. California Housing Law - Uniform Housing Code Chapter 10 - Substandard Buildings
(California Health and Safety Code Section 17920.C)**

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. California Housing Law - Uniform Housing Code Chapter 11
Notices and Orders of the Building Official
(California Health and Safety Code Section 17980)**

Changes to the noticing provisions are necessitated by the fact the City annually mails in excess of 30,000 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 effect the property owner's ability to receive proper and actual notification of abatement orders issued by the Building Official.

III. California Housing Law - Uniform Housing Code Chapter 12 - Appeal
(California Health and Safety Code Section 17920.6)

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 venture-effect orientation of buildings. The changes provide staff the ability to make determinations of substandard conditions more rapidly and will not adversely effect the property owner's ability to appeal actions of the Building Official; 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 authorized to file a copy of this Resolution, along with a copy of said ordinance adopting local amendments to the 2010 edition of the California Housing Law, with the California Building Standards Commission.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 19 2010, 2010

PASSED BY THE FOLLOWING VOTE:

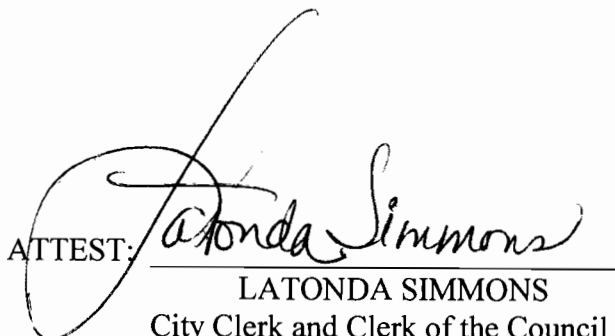
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California