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OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCILMEMBER _____
2019 APR 18 PM 3:42

APPROVED AS TO FORM AND LEGALITY

DRAFT
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE FOR EMERGENCY BUILDING STANDARDS AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE ADDING SECTION 15.04.3.2400 TO THE OAKLAND MUNICIPAL CODE CHAPTER 15.04 (2016 OAKLAND BUILDING CONSTRUCTION CODE) TO INCORPORATE EMERGENCY BUILDING STANDARDS AS RECENTLY ADOPTED BY THE STATE OF CALIFORNIA FOR EMERGENCY HOUSING BUILDINGS AND FACILITIES, WITH LOCAL MODIFICATIONS

WHEREAS, on October 3, 2017, the City Council adopted Ordinance No. 13456 C.M.S. (the "Shelter Crisis Ordinance") declaring a shelter crisis in the City of Oakland; making findings that a significant number of persons are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; and

WHEREAS, the Shelter Crisis Ordinance was adopted pursuant to California Government Code Section 8698.1, et seq., and since its adoption, the State has adopted Government Code Section 8698.4 prescribing procedures that the City of Oakland must follow to suspend certain state health and safety standards for emergency housing for homeless individuals; and

WHEREAS, the California Department of Housing and Community Development ("HCD") has adopted voluntary emergency regulations applicable to emergency housing as Appendix N to the 2016 California Building Code, which the City may adopt by Ordinance to comply with Government Code Section 8698.4 with respect to state and local health and safety standards for homeless shelters and emergency housing; and

WHEREAS, pursuant to California Health and Safety Code sections 17958, 17958.5 and 17958.7 and California Government Code Section 8698.4, local jurisdictions are authorized to make local amendments to the building standards applying to residential occupancies in Title 24, including the voluntary emergency regulations applicable to emergency housing in Appendix N, that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive

building standards than those contained in Title 24. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive; and

WHEREAS, there is a need to enforce the voluntary emergency regulations in Appendix N, with local administrative and non-administrative amendments thereof, as recited herein for regulating and controlling the maintenance of emergency housing and facilities on properties owned or leased by the City of Oakland; and

WHEREAS, the adoption of these voluntary emergency regulations with local administrative and non-administrative amendments, to apply on City owned or leased properties during a shelter crisis, local emergency, or state of emergency, would provide minimum standards to safeguard life and limb, property, and public welfare; and

WHEREAS, the conditions described in the Shelter Crisis Ordinance persist in the City of Oakland, and strict compliance with state and local standards without the adoption of Appendix N with local amendments would prevent, hinder, and delay the mitigation of the effects of the shelter crisis; and

WHEREAS, based on all written and oral reports and presentations to Council, including the Agenda Report, the City Council finds and determines that the proposed local amendments to Appendix N of the California Building Code set forth herein are reasonably necessary because of local climatic, geological, and topographic conditions such as Oakland's diverse, urbanized geography and mild climate, as well as to maintain consistency with existing emergency housing structures in the City; and

WHEREAS, HCD has reviewed this proposed Ordinance and has approved the local amendments to Appendix N, in accordance with Government Code Section 8698.4; and

WHEREAS, adoption and immediate effectiveness of the code amendments is necessary for the increased preservation of public health and safety; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of the Ordinance.

SECTION 2. Chapter 15.04, Article III, Part 2 of the 2016 Oakland Building Construction Code is amended to include adoption of HCD Appendix N with local amendments and to read as follows:

15.04.3.2400 – CBC Appendix N adopted with amendments.

Appendix N is hereby adopted with amendments and made a part of this Chapter as though fully set forth herein, subject to the modifications which are set forth below:

**APPENDIX N
EMERGENCY HOUSING**

The provisions contained in this appendix are not mandatory unless referenced in the adopting ordinance.

SECTION N101 GENERAL

N101.1 Scope. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section N102. The provisions and standards set forth in the Appendix shall be applicable to emergency housing established pursuant to a declaration of state of emergency, local emergency, or shelter crisis as defined in Section N102, and located in or on designated City properties or properties leased by the City for emergency housing during the period of the declared state of emergency, local emergency, and/or shelter crisis.

SECTION N102 DEFINITIONS

N102.1 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 and/or assembled 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 emergency 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~~ that 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, mobile homes, 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 N103 EMERGENCY HOUSING

N103.1 General. Emergency sleeping cabins, emergency transportable housing units, 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.

N103.2 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.

N103.2.1 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 Oakland Building Construction Code, provided such change in occupancy meets the minimum standards set forth in this Appendix N.

N103.3 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 m²) 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 m²) 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.

N103.4 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.

N103.5 Privacy. Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

N103.6 Heating. All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

SECTION N104 EMERGENCY SLEEPING CABINS

N104.1 General. Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m²) 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 m²) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m²), excluding lofts.

N104.2 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.

N104.3 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 N108 are permitted to be less than 80 inches (2032 mm).

N104.4 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 N104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section N104.4.1, provided in the loft space.

N104.4.1 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 m²).

N104.5 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.

N104.6 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, if operated only until continuous power is restored or 72 hours, whichever is shorter, 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 non-electrical source of heating is provided.~~

4. At least one GFCI-protected receptacle outlet for use by the occupant(s). Cabins can be equipped with low voltage USB charging stations instead of Standard GFCI outlets.

N104.7 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.

N104.8 Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

N104.9 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 N105 EMERGENCY TRANSPORTABLE HOUSING UNITS

N105.1 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.

SECTION N106 TENTS AND MEMBRANE STRUCTURES

N106.1 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 whenever 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.

SECTION N107 ACCESSIBILITY

N107.1 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 N108 LOFTS IN EMERGENCY HOUSING

N108.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections N108.1.1 through N108.1.3.

N108.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

N108.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

N108.1.3 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.

N108.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections N108.2.1 through N108.2.4.

N108.2.1 Stairways. Stairways accessing lofts shall comply with the California Residential Code or with Sections N108.2.1.1 through N108.2.1.6.

N108.2.1.1 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).

N108.2.1.2 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.

N108.2.1.3 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.

N108.2.1.4 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.

N108.2.1.5 Handrails. Handrails shall comply with the California Residential Code, Section R311.7.8.

N108.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

N108.2.2 Ladders. Ladders accessing lofts shall comply with Sections N108.2.2.1 and N108.2.2.2.

N108.2.2.1 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 $\frac{3}{8}$ -inch (9.5 mm).

N108.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

N108.2.3 Alternating tread devices. Alternating tread devices are acceptable as allowed by the enforcing agency.

N108.2.4 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 (102 mm) in diameter.

SECTION N109 LOCATION, MAINTENANCE AND IDENTIFICATION

N109.1 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.

N109.1.1 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.

N109.2 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 N110 EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

N110.1 Drinking water. Potable drinking water shall be provided for all occupants of emergency housing.

N110.2 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.

N110.3 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. This can include foot-pumped water at hand washing stations that is changed on a regular basis.

N110.4 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 N111 **ALTERNATIVES AND MODIFICATIONS**

N111.1 Alternatives and modifications. Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the enforcing agency 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, 17926, 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 Sections 8558, 8698.1 through 8698.4, and 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 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

SECTION 3. That the City Council hereby finds and determines, after independent review and consideration, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq. "CEQA") and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq. "CEQA Guidelines") under CEQA Guidelines section 15303, "New Construction of Conversion of Small Structures," which exempts the construction of limited numbers of new structures or facilities, and/or CEQA Guidelines section 15304, "Minor Alterations to Land," which exempts minor alterations in the condition of public land, including temporary uses, and/or CEQA Guidelines section 15311, "Accessory Structures," which exempts the construction of minor structures appurtenant to existing facilities, and/or CEQA Guidelines section 15332, "In Fill Development Projects," which exempts projects characterized as in fill development meeting certain specified criteria, and under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4). Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE FOR EMERGENCY BUILDING STANDARDS AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE ADDING SECTION 15.04.3.2400 TO THE OAKLAND MUNICIPAL CODE CHAPTER 15.04 (2016 OAKLAND BUILDING CONSTRUCTION CODE) TO INCORPORATE EMERGENCY BUILDING STANDARDS AS RECENTLY ADOPTED BY THE STATE OF CALIFORNIA FOR EMERGENCY HOUSING BUILDINGS AND FACILITIES, WITH LOCAL MODIFICATIONS

This ordinance would amend the Oakland Municipal Code to add Section 15.04.3.2400 specifying minimum health and safety standards for the design, construction and occupancy of emergency housing and emergency housing facilities on properties owned or leased by the City of Oakland and designated by the City as emergency housing sites. These standards would apply during a duly declared state of emergency or local emergency as defined by Government Code section 8558, and/or during a shelter crisis declared under Government Code section 8698 *et seq.*

FILED
OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCIL MEMBER _____
2019 APR 18 PM 3:42

APPROVED AS TO FORM AND LEGALITY

DRAFT
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

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TO INCOPRORATEINCORPORATE EMERGENCY BUILDING
STANDARDS AS RECENTLY ADOPTED BY THE STATE OF
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WHEREAS, on October 3, 2017, the City Council adopted Ordinance No. 13456 C.M.S. (the "Shelter Crisis Ordinance") declaring a shelter crisis in the City of Oakland; making findings that a significant number of persons are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; and

WHEREAS, the Shelter Crisis Ordinance was adopted pursuant to California Government Code Section 8698.1, et seq., and since its adoption, the State has adopted Government Code Section 8698.4 prescribing procedures that the City of Oakland must follow to suspend certain state health and safety standards for emergency housing for homeless individuals; and

WHEREAS, the California Department of Housing and Community Development ("HCD") has adopted voluntary emergency regulations applicable to emergency housing as Appendix N to the 2016 California Building Code, which the City may adopt by Ordinance to comply with Government Code Section 8698.4 with respect to state and local health and safety standards for homeless shelters and emergency housing; and

WHEREAS, pursuant to California Health and Safety Code sections 17958, 17958.5 and 17958.7 and California Government Code Section 8698.4, local jurisdictions are authorized to make local amendments to the building standards applying to residential occupancies in Title 24, including the voluntary emergency regulations applicable to emergency housing in Appendix N, that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive

building standards than those contained in Title 24. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive; and

WHEREAS, there is a need to enforce the voluntary emergency regulations in Appendix N, with local administrative and non-administrative amendments thereof, as recited herein for regulating and controlling the maintenance of emergency housing and facilities on properties owned or leased by the City of Oakland; and

WHEREAS, the adoption of these voluntary emergency regulations with local administrative and non-administrative amendments, to apply on City owned or leased properties during a shelter crisis, local emergency, or state of emergency, would provide minimum standards to safeguard life and limb, property, and public welfare; and

WHEREAS, the conditions described in the Shelter Crisis Ordinance persist in the City of Oakland, and strict compliance with state and local standards without the adoption of Appendix N with local amendments would prevent, hinder, and delay the mitigation of the effects of the shelter crisis; and

WHEREAS, based on all written and oral reports and presentations to Council, including the Agenda Report, the City Council finds and determines that the proposed local amendments to Appendix N of the California Building Code set forth herein are reasonably necessary because of local climatic, geological, and topographic conditions such as Oakland's diverse, urbanized geography and mild climate, as well as to maintain consistency with existing emergency housing structures in the City; and

WHEREAS, HCD has reviewed this proposed Ordinance and has approved the local amendments to Appendix N, in accordance with Government Code Section 8698.4; and

WHEREAS, adoption and immediate effectiveness of the code amendments is necessary for the increased preservation of public health and safety; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of the Ordinance.

SECTION 2. Chapter 15.04, Article III, Part 2 of the 2016 Oakland Building Construction Code is amended to include adoption of HCD Appendix N with local amendments and to read as follows:

15.04.3.2400 – CBC Appendix N adopted with amendments.

Appendix N is hereby adopted with amendments and made a part of this Chapter as though fully set forth herein, subject to the modifications which are set forth below:

APPENDIX N EMERGENCY HOUSING

The provisions contained in this appendix are not mandatory unless ~~specifically adopted by a state agency, or~~ referenced in the adopting ordinance.

SECTION N101 GENERAL

N101.1 Scope. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section N102. The provisions and standards set forth in the Appendix shall be applicable to emergency housing established pursuant to a declaration of state of emergency, local emergency, or shelter crisis as defined in Section N102, and located in or on designated City properties or properties leased by the City for emergency housing during the period of the declared state of emergency, local emergency, and/or shelter crisis.

SECTION N102 DEFINITIONS

N102.1 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 and/or assembled 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 emergency 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 that~~ may be occupied only for emergency housing if allowed by the ~~authority having jurisdiction-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 ~~unit~~units include, but ~~is~~are not limited to, manufactured homes, mobile homes, multifamily manufactured homes, recreational vehicles, and park trailers. For the purposes of this appendix, emergency transportable housing units may also include commercial ~~modular~~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 N103 EMERGENCY HOUSING

N103.1 General. Emergency sleeping cabins, emergency transportable housing units, 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.

N103.2 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.

N103.2.1 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 Authority Having Jurisdiction enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the Oakland Building Construction Code, provided such change in occupancy meets the minimum fire and life safety requirements standards set forth in Section N112 of this Appendix N.

N103.3 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 Authority Having Jurisdiction enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m²) 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 m²) 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.

N103.4 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.

N103.5 Privacy. Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

N103.6 Heating. All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

SECTION N104 EMERGENCY SLEEPING CABINS

N104.1 General. Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m²) 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 m²) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m²), excluding lofts.

N104.2 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.

N104.3 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 AN108N108 are permitted to be less than 80 inches (2032 mm).

N104.4 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 N104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section N104.4.1, provided in the loft space.

N104.4.1 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 m²).

N104.5 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.

N104.6 Electrical. ~~Electricity provided to an emergency sleeping cabin shall comply with all applicable requirements of the California Electrical Code.~~ 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, if operated only until continuous power is restored or 72 hours, whichever is shorter, 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 non-electrical source of heating is provided.~~

4. At least one GFCI-protected receptacle outlet for use by the occupant(s). Cabins can be equipped with low voltage USB charging stations instead of Standard GFCI outlets.

N104.7 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.

N104.8 Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

N104.9 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 N105 EMERGENCY TRANSPORTABLE HOUSING UNITS

N105.1 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.

SECTION N106 TENTS AND MEMBRANE STRUCTURES

N106.1 General. ~~Tents and membrane structures~~ shall not be used to house occupants for more than 7 days unless such ~~tents and membrane structures~~ 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 or membrane structure~~ shall not be considered a suitable sleeping place whenever 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 or membrane structure~~ 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.~~

SECTION N107 ACCESSIBILITY

N107.1 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 N108

LOFTS IN EMERGENCY HOUSING

N108.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections N108.1.1 through N108.1.3.

N108.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

N108.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

N108.1.3 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.

N108.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections N108.2.1 through N108.2.4.

N108.2.1 Stairways. Stairways accessing lofts shall comply with the California Residential Code or with Sections N108.2.1.1 through N108.2.1.6.

N108.2.1.1 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).

N108.2.1.2 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.

N108.2.1.3 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.

N108.2.1.4 Landing platforms. The top step of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than ~~80~~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.

N108.2.1.5 Handrails. Handrails shall comply with the California Residential Code, Section R311.7.8.

N108.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

N108.2.2 Ladders. Ladders accessing lofts shall comply with Sections N108.2.2.1 and N108.2.2.2.

N108.2.2.1 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).

N108.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

N108.2.3 Alternating tread devices. Alternating tread devices are acceptable as allowed by the enforcing agency.

N108.2.4 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 (102 mm) in diameter.

SECTION N109 LOCATION, MAINTENANCE AND IDENTIFICATION

N109.1 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.

N109.1.1 Fire Hazards. Dangerous materials or materials that create a fire hazard, as determined by the ~~Authority Having Jurisdiction~~ enforcing agency, shall not be allowed on the grounds within emergency housing sites.

N109.32 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 N110 EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

N110.1 Drinking water. Potable drinking water shall be provided for all occupants of emergency housing.

N110.2 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.

N110.3 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 ~~provided~~ installed and maintained in the toilet facilities or adjacent to the toilet facilities. This can include foot-pumped water at hand washing stations that is changed on a regular basis.

N110.4 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 N111 **ALTERNATIVES AND MODIFICATIONS**

N111.1 Alternatives and modifications. Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the enforcing agency 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, 17926, 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 Sections 8558, 8698.1 through 8698.4, and 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 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

SECTION 3. That the City Council hereby finds and determines, after independent review and consideration, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq. "CEQA") and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq. "CEQA Guidelines") under CEQA Guidelines section 15303, "New Construction of Conversion of Small Structures," which exempts the construction of limited numbers of new structures or facilities, and/or CEQA Guidelines section 15304, "Minor Alterations to Land," which exempts minor alterations in the condition of public land, including temporary uses, and/or CEQA Guidelines section 15311, "Accessory Structures," which exempts the construction of minor structures appurtenant to existing facilities, and/or CEQA Guidelines section 15332, "In Fill Development Projects," which exempts projects characterized as in fill development meeting certain specified criteria, and under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4). Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE FOR EMERGENCY BUILDING STANDARDS AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE ADDING SECTION 15.04.3.2400 TO THE OAKLAND MUNICIPAL CODE CHAPTER 15.04 (2016 OAKLAND BUILDING CONSTRUCTION CODE) TO INCORPORATE EMERGENCY BUILDING STANDARDS AS RECENTLY ADOPTED BY THE STATE OF CALIFORNIA FOR EMERGENCY HOUSING BUILDINGS AND FACILITIES, WITH LOCAL MODIFICATIONS

This ordinance would amend the Oakland Municipal Code to add Section 15.04.3.2400 specifying minimum health and safety standards for the design, construction and occupancy of emergency housing and emergency housing facilities on properties owned or leased by the City of Oakland and designated by the City as emergency housing sites. These standards would apply during a duly declared state of emergency or local emergency as defined by Government Code section 8558, and/or during a shelter crisis declared under Government Code section 8698 *et seq.*