

FILED
OFFICE OF THE CITY CLERK
OAKLAND

EXHIBIT A

2016 NOV -3 PM 5:12

APPROVED AS TO FORM AND LEGALITY



OFFICE OF THE CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION No. 86500 C.M.S.

RESOLUTION OF FINDINGS SUPPORTING LOCAL AMENDMENTS TO THE 2016 EDITION OF THE STATE HOUSING LAW REGULATIONS TO COMPLY WITH CHANGES TO STATE LAW AND ADOPTING CEQA EXEMPTION FINDINGS

WHEREAS, pursuant to California Health & Safety Code sections 17958, 17958.5 and 17958.7, local jurisdictions are authorized to make local amendments to the building standards in Title 24, including green building standards, applying to residential occupancies, including hotels, motels, apartments, and dwellings, and to the California Department of Housing and Community Development regulations in Title 25, Division 1, Chapter 1, Subchapter 1, 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, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive; and

WHEREAS, the 2016 Edition of the State Housing Law Regulations will go into effect throughout California on January 1, 2017. Local jurisdictions are required to enforce 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, Oakland's Building Maintenance Code requirements are contained in Chapter 15.08 of the Oakland Municipal Code. In a separate companion ordinance, the City

Council is considering incorporating certain provisions of the 2016 Edition of the State Housing Law Regulations into Chapter 15.08; 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 pursuant to CEQA Guidelines sections 15061(b)(3) (general rule); 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 Oakland's modifications to the 2016 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," 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 State Housing Law Regulations; 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 State Housing Law Regulations; and be it

FURTHER RESOLVED: That the City Council further finds and determines that the local amendments to the 2016 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 2016 Edition of the State Housing Law Regulations, to the California Building Standards Commission before January 1, 2017, pursuant to the applicable provisions of State law.

NOV 29 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

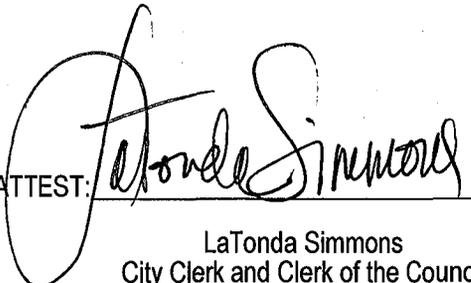
AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, and PRESIDENT GIBSON
MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

ABSENT - REID - 1

ATTEST: 

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

DATE OF ATTESTATION: _____