



Legislation Text

File #: 13-491, **Version:** 1

ADOPT: Resolution Finding and Determining the Need for Amendments to Provisions in the State-Mandated California Building Standards Code to be Adopted by Reference in the San Leandro Municipal Code (makes the findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geologic, or topographical conditions, in accordance with California Health and Safety Code Section 17958.7)

WHEREAS, Health and Safety Code Section 18938 makes provisions published in the California Building Standards Code pursuant to Health and Safety Code Section 17922 applicable to all occupancies throughout the state and effective one hundred and eighty days after publication by the California Building Standards Commission (the Commission), or at a later date established by the Commission; and

WHEREAS, Health and Safety Code Section 17958 permits cities to amend the requirements of the California Building Standards Code in accordance with Health and Safety Code Sections 17958.5 and 17958.7; and

WHEREAS, Health and Safety Code Section 17958.5 permits cities in adopting provisions of the California Building Standards Code to make such changes in such provisions as the city determines, pursuant to Health and Safety Code Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that a city, before making changes pursuant to Health and Safety Code Section 17958.5, must make an express finding that such changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, under Health and Safety Code Section 17958.7, changes pursuant to Health and Safety Code Section 17958.5 may not become effective until the required findings, and the changes, have been filed with the California Building Standards Commission; and

WHEREAS, Government Code Section 50022.2 permits enactment of city ordinances that adopt codes or statutes, including codes of the State of California, by reference; and

WHEREAS, the City Council of the City of San Leandro (the City Council) intends to adopt ordinances adopting by reference provisions of the California Building Standards Code; and

WHEREAS, such ordinances incorporate changes to the California Building Standards Code pursuant to Health and Safety Code Section 17958.5; and

WHEREAS, certain of such changes have been previously filed with the California Building Standards Commission pursuant to Health and Safety Code Section 17958.7; and

WHEREAS, the City Council has reviewed the reasons for the previous changes to the California Building Standards Code set forth in Exhibits A, B and D; and

WHEREAS, certain changes are new and have not previously been filed with the California Building Standards Commission pursuant to Health and Safety Code Section 17958.7; and

WHEREAS, the City Council has reviewed the reasons for such new proposed changes to the California Building Standards Code set forth in Exhibit C.

NOW, THEREFORE, BE IT RESOLVED that the City Council, in accordance with Health and Safety Code Section 17958.7, does hereby declare and find that the changes to the provisions of the California Building Standards Code set forth in Exhibits A, B, C and D are reasonably necessary because of local climatic, geologic, or topographical conditions; and

BE IT FURTHER RESOLVED that a copy of this Resolution, including Exhibits A, B, C and D shall be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.