



DISTRIBUTION DATE: March 2, 2022

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: William A. Gilchrist
Director, Planning & Building

SUBJECT: Summary Code Enforcement
Quarterly Report

DATE: February 22, 2022

City Administrator
Approval

Date: Mar2, 2022

SUMMARY

This memo provides current information on the code enforcement activities of the Planning and Building Department (PBD), including code enforcement data by quarter from July 2020 through June 2021 of Fiscal Year (FY) 2020-21. PBD's Code Enforcement Division enforces compliance with building, housing, and zoning codes and regulations. It is important to note that although many departments within the City enforce property-related regulations, such as Economic Workforce and Development Department (EWDD) Public Works Department (OPW), Fire Department (OFD), and Police Department (OPD), the data and work activities described in this report only pertain to PBD's enforcement activities. PBD is publishing this informational memo now for the sake of keeping the Council and public informed in a timely manner, however, PBD is available to bring this report to a Community and Economic Development Committee meeting for further discussion, if so desired by Committee members.

Purpose and Origin of Quarterly Code Enforcement Report

The City's FY 2015-17 Policy Budget contains a policy directive to provide an informational report on a quarterly basis to the City Council concerning the code enforcement activities of PBD. The purpose of the report is to update the City Council and public on the types of code enforcement work, the statistics related to enforcement on each, and the key initiatives underway to improve the effectiveness of the program.

A primary goal of the City's code enforcement program is to facilitate correction of property maintenance, building maintenance and zoning code violations in a timely, effective, and efficient manner. The requirements and process for each are discussed below. The length of time to achieve compliance varies based upon several factors, such as the complexity of the violation or the cooperation of the property owner. The code enforcement program is primarily complaint-driven, and the number of complaints received can vary over any period. However, PBD is also

developing a Proactive Rental Inspection Program, as reported in the last Quarterly Code Enforcement Information Memo dated June 3, 2021.

Code Enforcement Categories

Property Blight: It is unlawful for any person or corporation whether as owner or occupant in possession of the property to maintain any property in a blighted condition per Oakland Municipal Code (OMC) Section 8.24. A blighted property (i.e., residential, commercial, or industrial properties) is one that exhibits a lack of maintenance, livability, and appearance that does not promote the health, safety, and general welfare of the community. Blight includes: abandoned or unsecured buildings and structures; abandoned construction projects; dilapidated, deteriorated buildings; broken or missing windows, doors, fencing, signs, retaining walls; defaced buildings; overgrown vegetation; trash and debris; unclean, unsanitary property; garbage bins left in public view; open storage; property that creates a dangerous condition (i.e., erosion controls); unstable soil conditions; parking and storage of trailers, campers, recreational vehicles, boats, unregistered, inoperative vehicles, appliances, furniture, etc. Note: Illegal dumping of items on the street and sidewalk is commonly reported to Code Enforcement Services of PBD, but it falls under the enforcement responsibility of the OPW and as such a referral is made to OPW.

Per Chapter 8.24 of the OMC, Courtesy notices may be issued for minor violations such as garbage bins left in public view and other non-hazardous conditions. Complaints related to excessive trash, debris, overgrowth, dilapidated, deteriorated and unsecured buildings are inspected and if violations are verified, a Notice of Violation is issued to allow the property owner 30 days to comply, or if the site has received the same or similar violation within two years, a Notice of Repeat Violation is issued and immediate fees assessed. If compliance is not obtained, re-inspection fees are assessed and actions taken can include obtaining Inspection Warrants to access the property and posting bids for approved contractors to perform Emergency Nuisance Abatement to clean and secure the site.

Graffiti: It is unlawful and a violation of the OMC Chapter 8.10 for any person owning property to permit or allow any Graffiti to remain on any walls, temporary or permanent structures, places, or other surfaces located on such property when the Graffiti is visible from the street or other public or private property.

Per Chapter 8.10 of the OMC, complaints regarding graffiti on residential, commercial, and vacant lots are inspected and issued an enforcement Notice to Abate within 10 days for private property, 15 days for vacant property or lots and 3 days for retailers of alcoholic beverages. Generally, graffiti complaints that include additional blight conditions i.e., overgrown vegetation, trash, debris, unsecured property will follow the OMC 8.24 (discussed above) allowing for compliance within 30 days of issuance of the enforcement notice. (Graffiti and Complaints are provided in *Attachment A*)

Building Maintenance: It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, structure, portion thereof, or real property or cause or allow the same to be done in violation of Chapter 15.08 of the OMC. The provisions of the Code apply to real property and to all residential and non-residential buildings or portions thereof used, or designed or intended to be used, for human occupancy and habitation. Such occupancies in existing buildings may continue as provided in the Oakland Building Construction Code, except where the Building Official has issued an order to vacate after such structures are found to be a Substandard Public Nuisance, which means the premises are determined to be substandard because of failure to keep them in a proper state of repair with adequate sanitary facilities, lighting or ventilation to the degree that the premises have become detrimental to the health, safety, or general welfare and the comfortable enjoyment of living.

Per Chapter 15.08 of the OMC, regulations controlling the use, occupancy, locations, and maintenance of all residential and non-residential property are enforced through inspections and violations may result in the issuance of Stop Work Orders, Notices of Violation, and Orders to Abate. Compliance actions include a Compliance Plan, which must be in place within 30 days of the issuance of an Order to Abate. Additional compliance actions may include a Compliance Agreement and Rehabilitation Plan to abate violations; tenant relocation per OMC Chapter 15.60 may be required when living conditions are deemed a Substandard Public Nuisance; and Receivership – a court order whereby all the property subject to dispute in a legal action is placed under the dominion and control of an independent person known as a Receiver established through the City Attorney’s office.

Zoning: Per OMC Section 17.010.30, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, painted, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity with the Oakland General Plan. Regulations related to compliance and use for residential, commercial, and industrial zone designations include unpermitted business in residential areas, excessive signage/advertising signage, fencing height, construction noise, persistent noise, and other unapproved activity.

Enforcement includes the issuance of Courtesy notices, Notices of Violation and enforcement noticing described under Building Maintenance to gain compliance.

Code Enforcement Statistics

The attached slide deck (*Attachment A*) provides data on Complaints and Inspections, Volume of Inspections, Enforcement Actions for Compliance and Abatement, and Fees Assessed for Quarters 1- 4 of FY 2020-21. It is notable that Quarter 4 included the highest number of closed cases all year, 2,163 (versus less than 500 in prior quarters). With the additional inspectors expected to be onboarded in 2022 (see discussion below), staff expects to make additional headway into the total open cases by increasing the number of inspectors per district.

Key Initiatives

Below are some of the key initiatives that PBD has implemented since the last Quarterly Code Enforcement Information Memo dated June 3, 2021 (ongoing initiatives are provided in *Attachment A*):

- **Staff Coordination**
The Code Enforcement Division participated in training offered by the California Building Officials during the month of December 2020 and participated in a “Receiverships” webinar with Silver & Wright LLP. The Code Enforcement Division continues to participate in ongoing bi-weekly meetings with other City departments including OFD’s Fire Prevention Bureau, City Attorney’s Office, EWDD, Housing and Community Development Department (HCDD), and PBD’s Planning Bureau to address effective and timely responses for complex cases. The Code Enforcement Division is working with the City Administrator’s Office (CAO) and other departments to develop and implement enhanced tools and processes to improve customer services and inter-departmental coordination, as part of the “Reimagining One-Stop Permitting” initiative.
- **Recruitments**
The Code Enforcement Division has 11 inspectors and 8 vacancies. PBD hired one new Specialty Combination Inspector (SCI) during Quarter 4 of the reporting period, and in Quarter 4, the Code Enforcement Division conducted three interviews and reference checks for other SCI candidates and anticipates extending three candidates offers for positions to be filled during Quarter 1 of FY 21-22.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Planning and Building Department

For questions, please contact Sandra Smith at (510) 238-3239.

Attachment (1):

A: Quarterly Code Enforcement Report FY 2020-21 Quarters 1 - 4



Code Enforcement FY 2020-2021 Summary Report

Quarter 4 (Q4) (April – June 2021)

City of Oakland
Planning and Building Department (PBD)
March, 2022

Attachment A



Contents

- I. Fiscal Year (FY) 2020 – 2021 Q4 Statistics Complaints v. Inspections Q4
- II. Volume of 1st Inspections FY2020-21 Quarter 4
- III. Complaint Maps by District Q4
- IV. Enforcement Actions
- V. Fees Assessed
- VI. Current Code Enforcement Initiatives
- VII. Additional Information



Complaints and Inspections

Quarter 4*

April 2021– June 2021

Type	Blighted Property	Building Maintenance	Zoning	Total
1 st Inspection	272	348	65	685
Follow-up/Monitoring Inspection	297	846	51	1,194
Total Complaints by Type	569	1,194	118	1,879

*These numbers reflect impacts to inspections due to the Shelter-in-Place Order as a result of the COVID-19 pandemic



Graffiti Complaints and Inspections

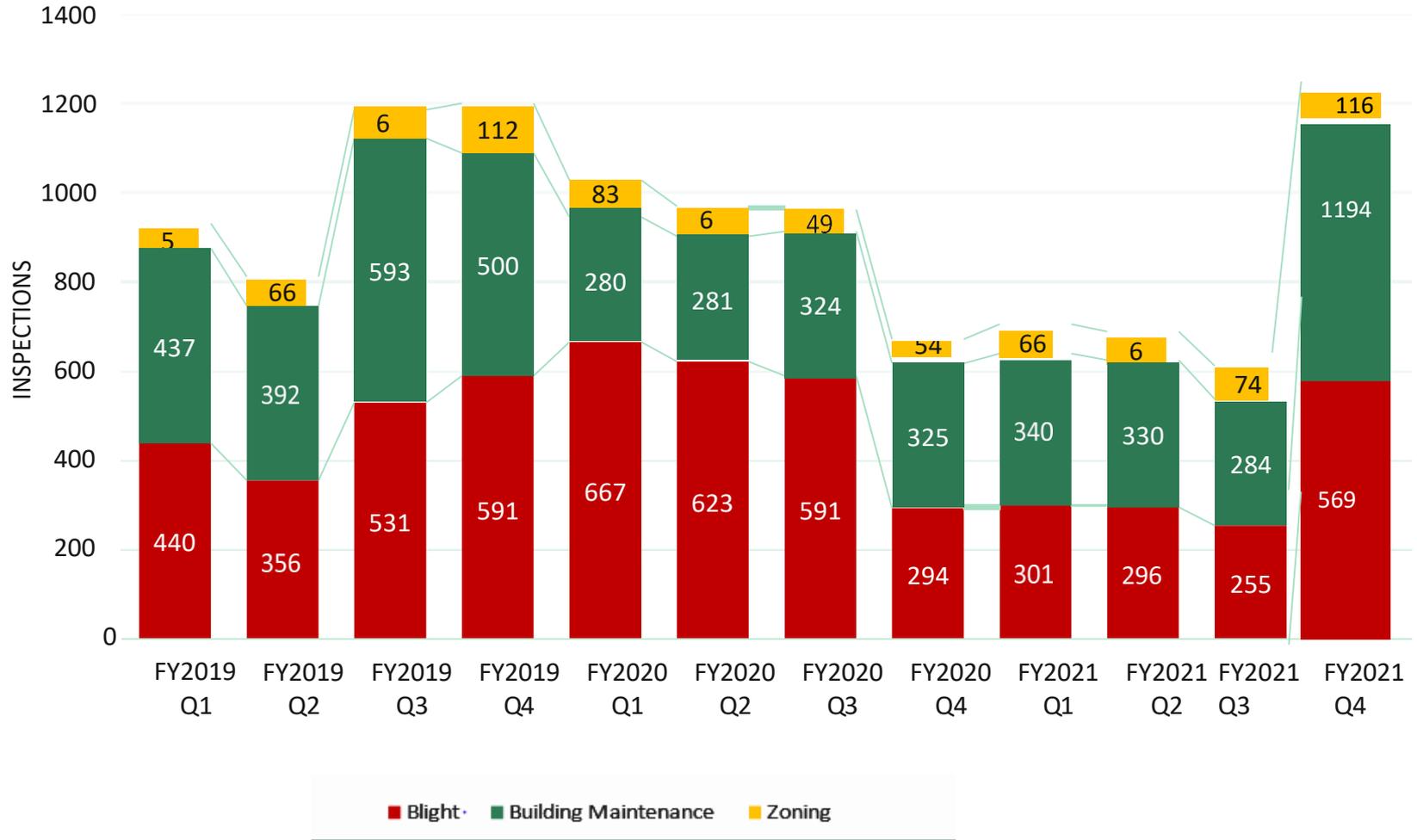
Quarter 4

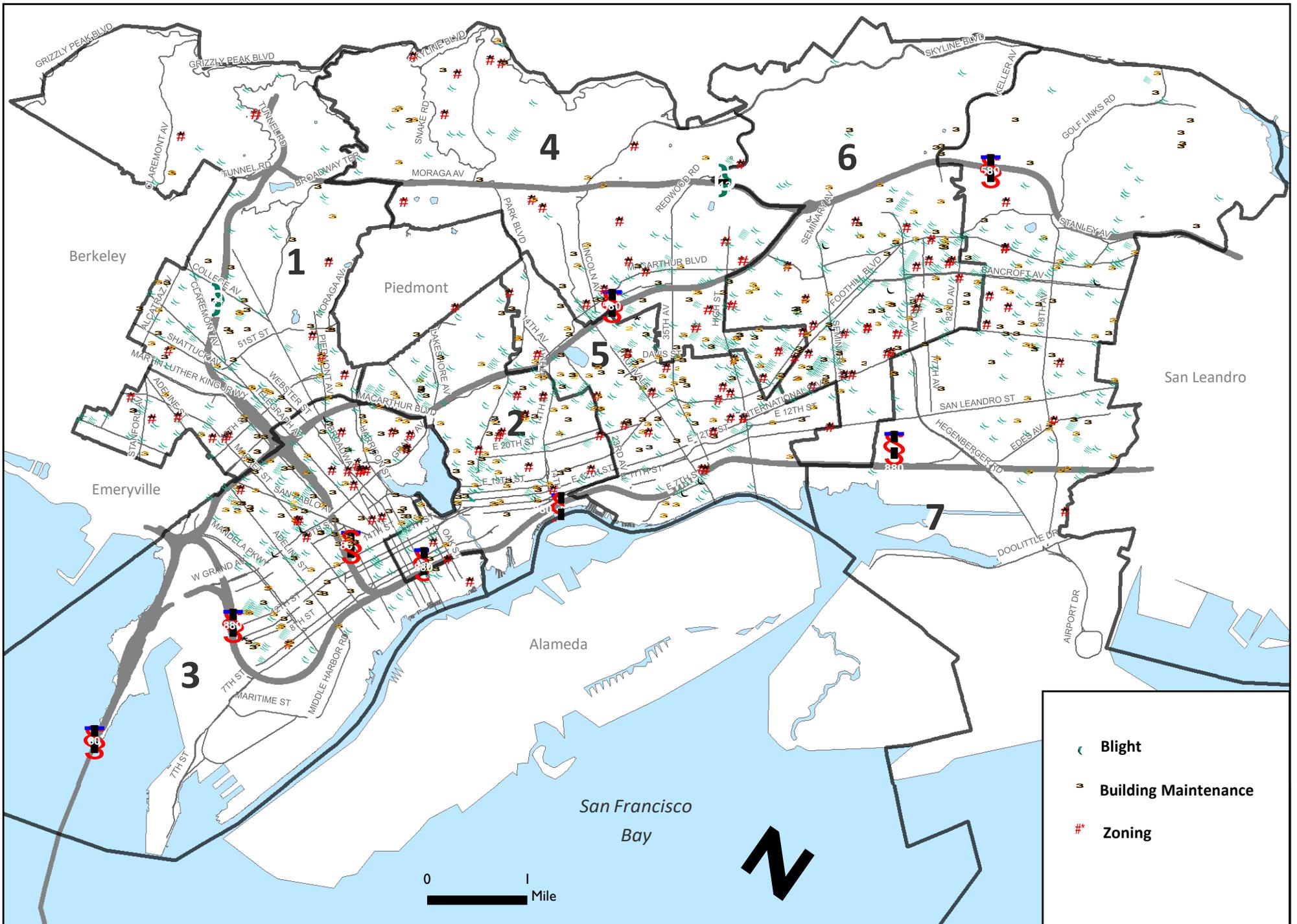
April 2021 – June 2021

Type	Blight	Building Maintenance	Zoning	Total
Graffiti Complaints	166	7	4	177
Total Graffiti Inspections	98	5	2	105
Graffiti Cases Abated	126	6	2	134

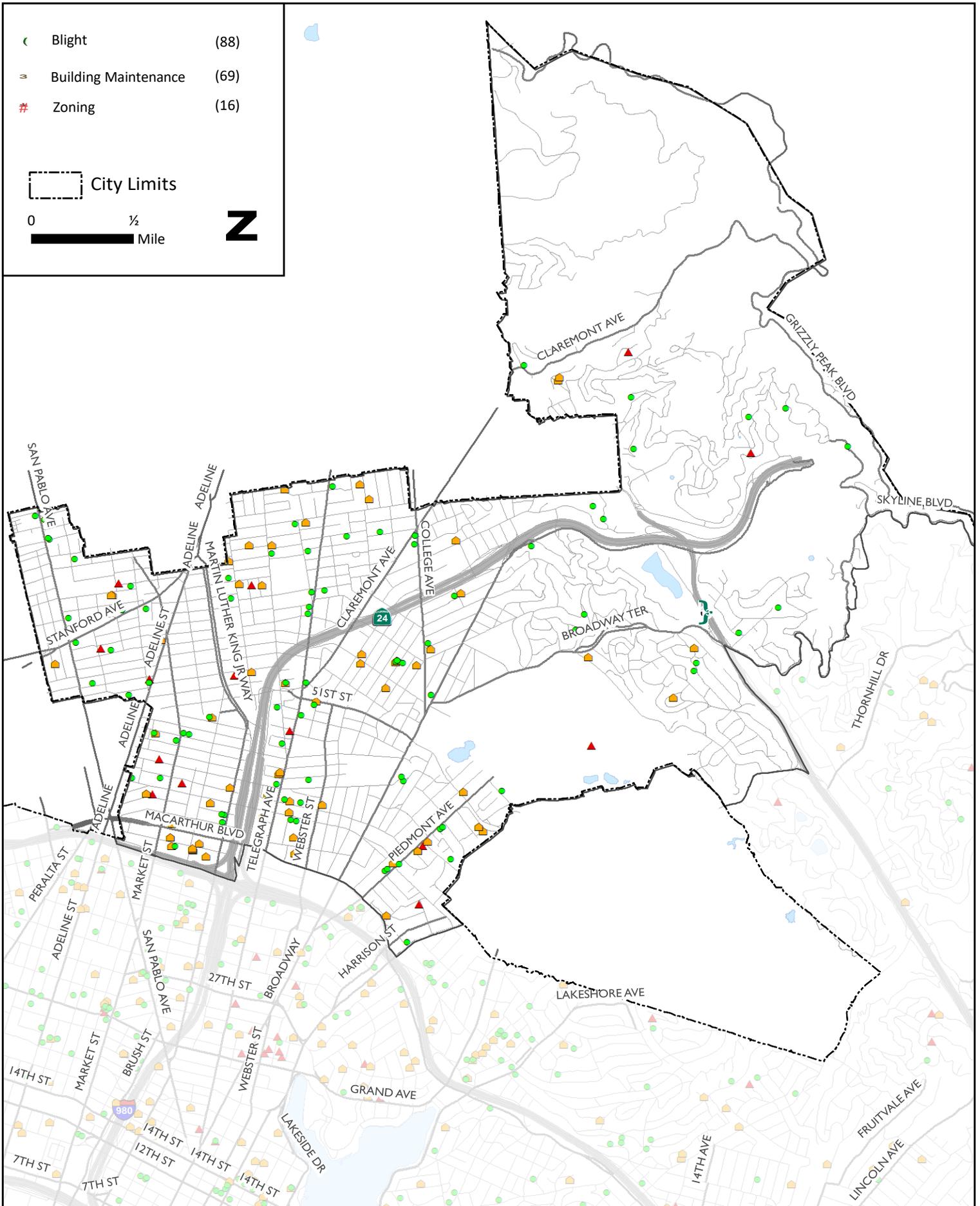


Volume of 1st Inspections During FY 2019/20 - FY2020-21 Quarter 1 - 4

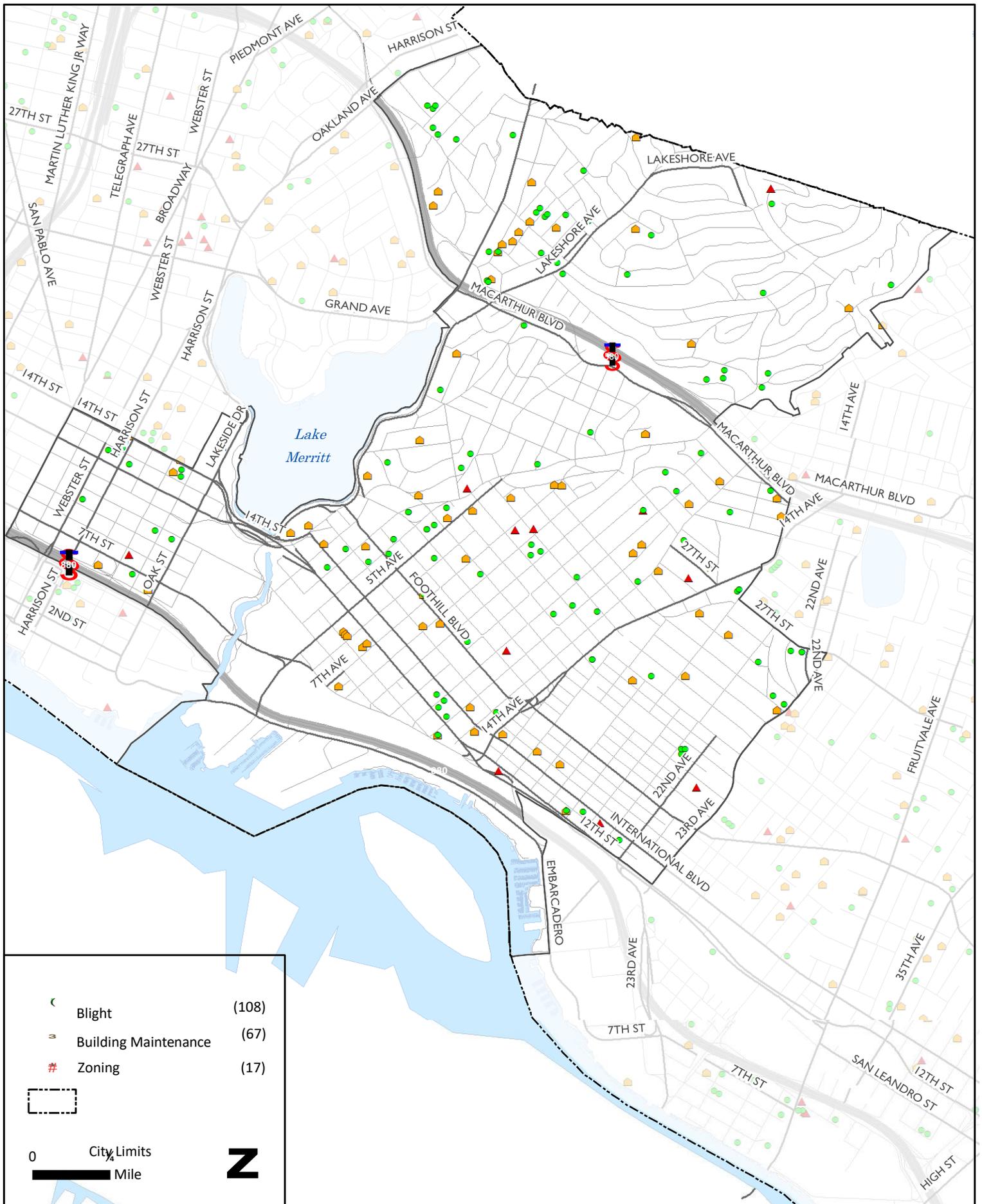




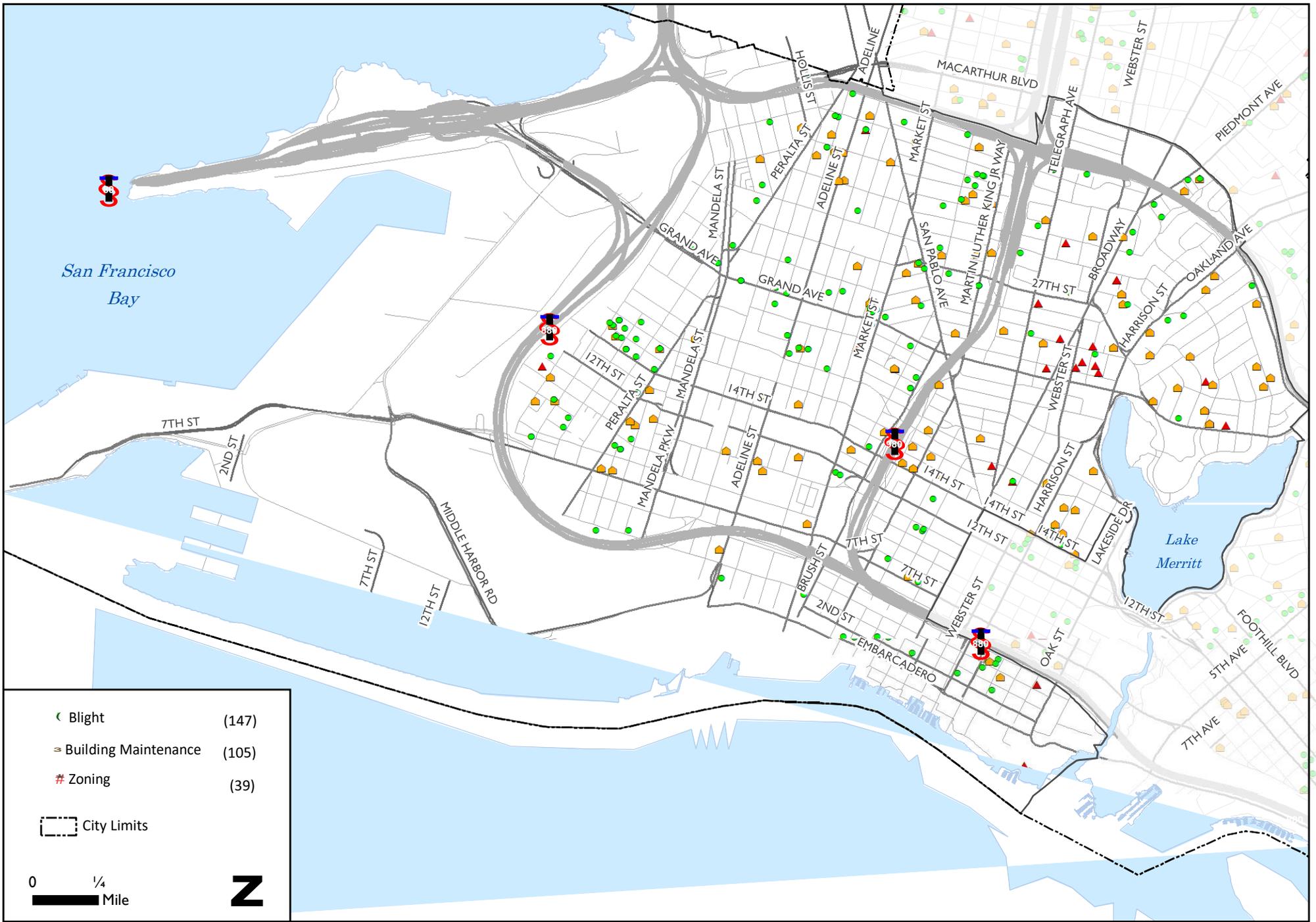
Code Enforcement Complaints April - June 2021



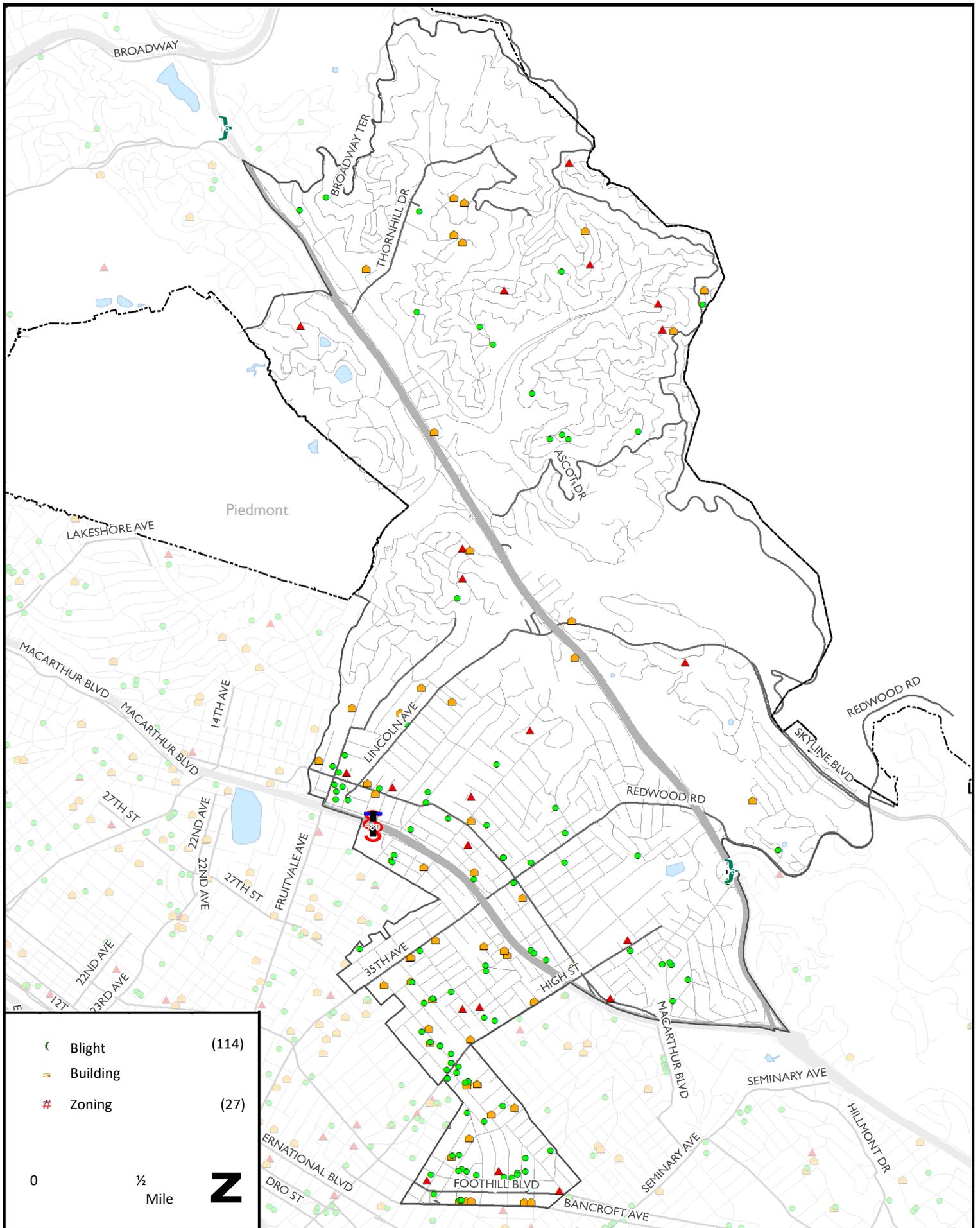
Complaints Q4, 2020-2021
Council District 1 (n = 173)



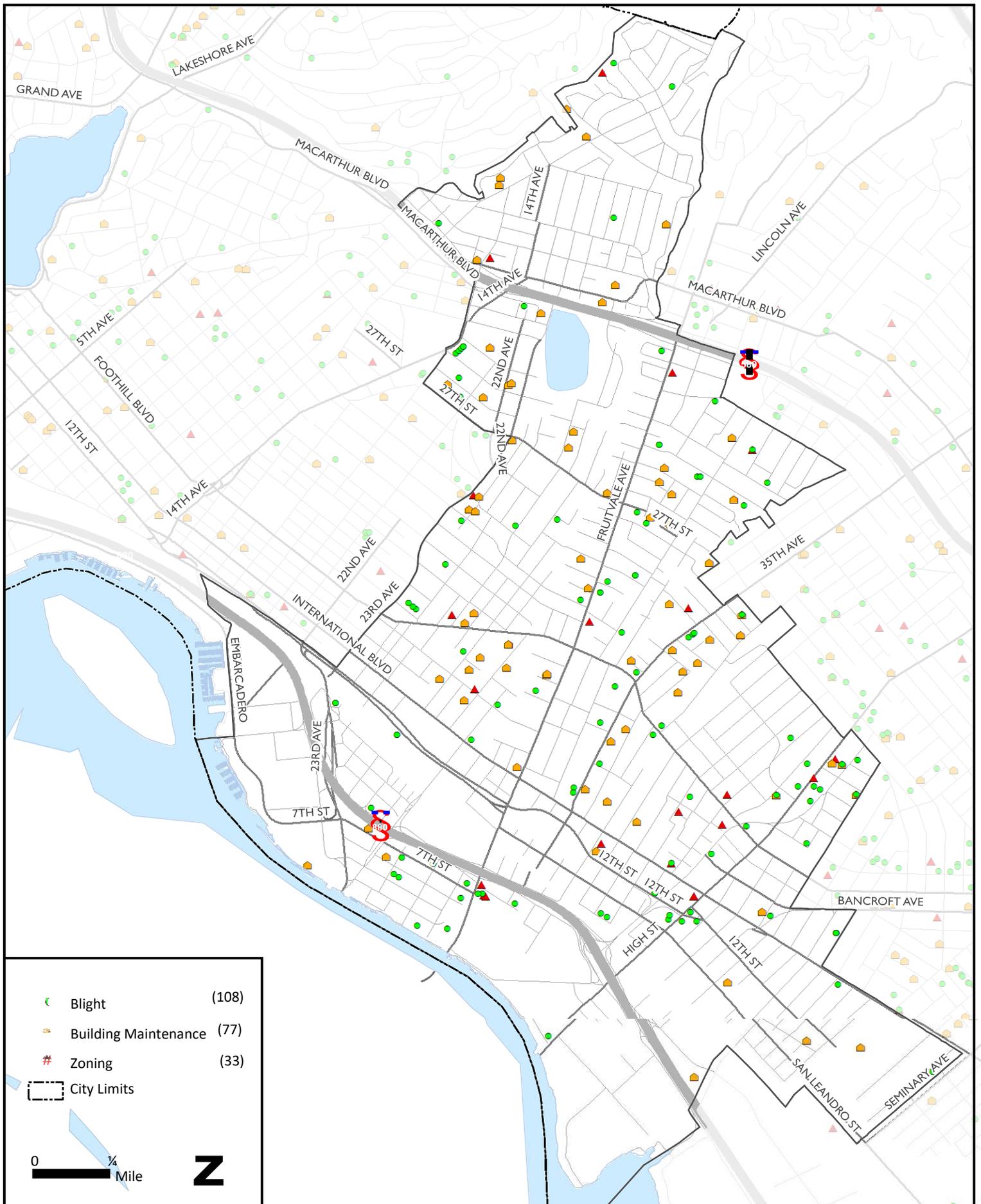
Complaints Q4, 2020-2021
Council District 2 (n = 192)



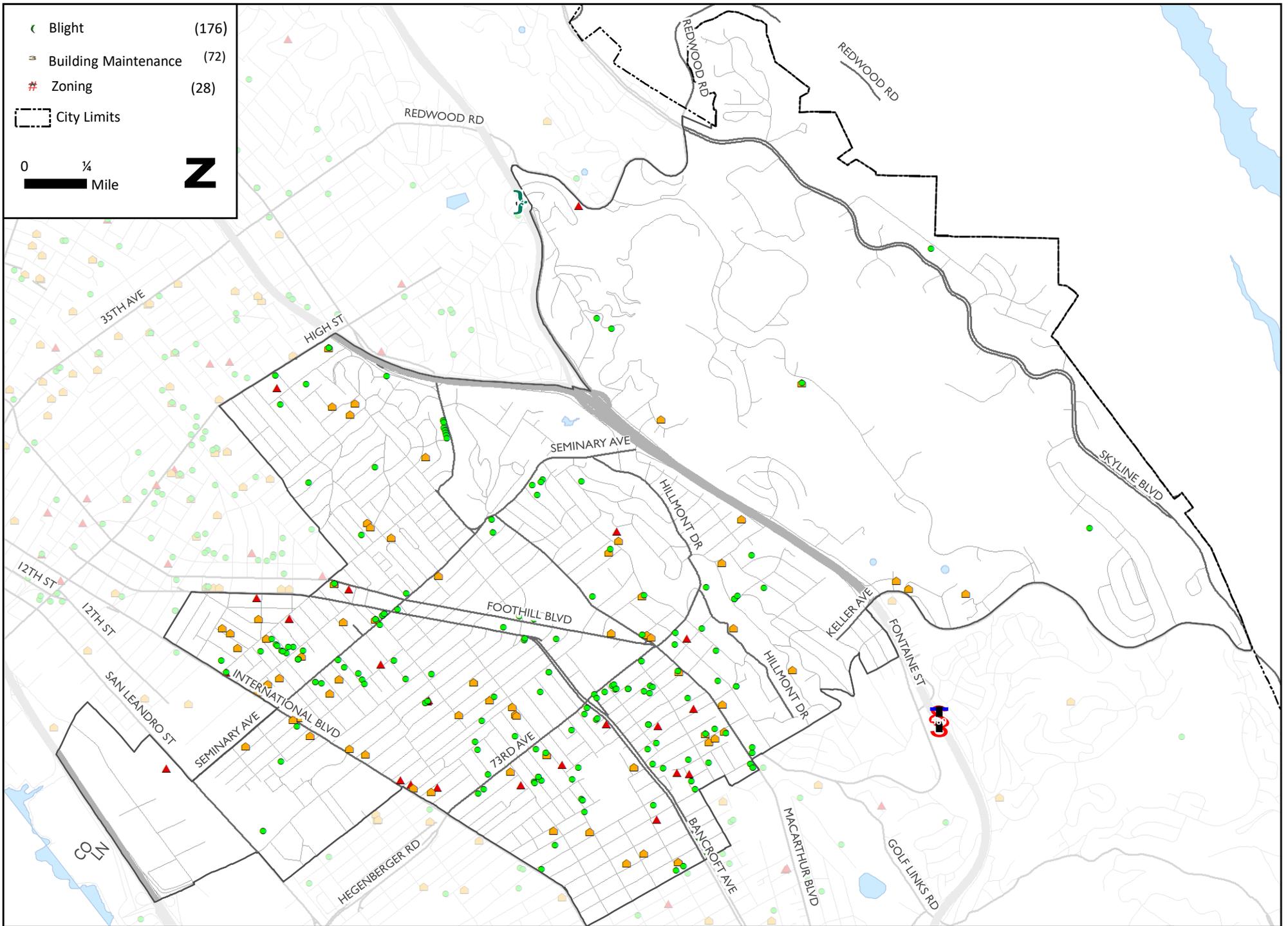
Complaints Q4, 2020-2021
Council District 3 (n = 291)



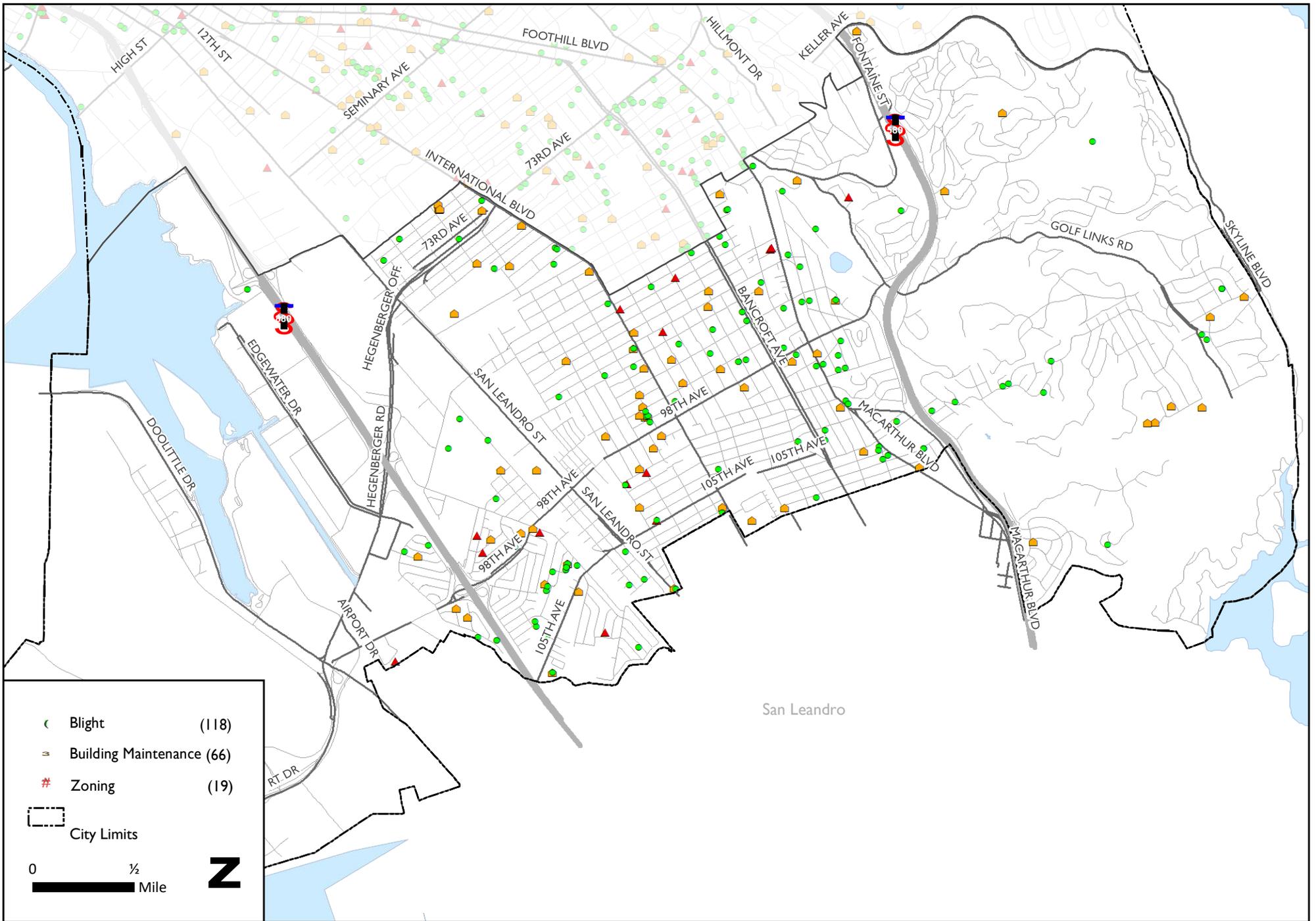
Complaints Q4, 2020-2021
Council District 4 (n = 200)



Complaints Q4, 2020-2021
Council District 5 (n = 218)



Complaints Q4, 2020-2021
Council District 6 (n = 276)



Complaints Q4, 2020-2021
Council District 7 (n = 203)

Enforcement Actions for Compliance or Abatement

Quarter	Clean-up Contract	Repeat Violators	Stop Work Order	Compliance Plan
Q1: 2020	4	10	41	1
Q2: 2020	1	5	75	2
Q3: 2021	1	6	94	1
Q4: 2021	4	3	19	2



Abated & Closed*

FY 2020-2021 Quarters 1 – 4

Quarter	Blight	Building Maintenance	Zoning	Total
Q1: 2020	556	210	106	872
Q2: 2020	426	198	86	710
Q3: 2021	588	218	105	911
Q4: 2021	556	221	115	892
Total	2,122	847	412	3,385

*Includes non-actionable and referred

Total Open Cases by Quarter

Quarter	Open Cases - Previous Quarter	New Cases Current Quarter	Abated & Closed	Total Open Cases - End of Quarter
Q1: 2020*	5,004	1,411	450	5,965
Q2: 2020*	5,965	1,342	489	6,818
Q3: 2021*	6,818	1,942	492	8,268
Q4: 2021*	8,268	1,616	2,163	7,721

*These numbers reflect impacts to inspections due to the Shelter-in-Place order as a result of the COVID-19 pandemic



Fees Assessed

Quarter	Cases Invoiced	Fees (Includes Bonds)	Bonds for Compliance Plan
Q4: 2021	99	\$162,087.74	\$10,000.00



Current Code Enforcement Initiatives Underway



- One new Specialty Combination Inspector was hired and we continue to explore hiring opportunities for addition of Code Enforcement Inspectors and the Proactive Rental Inspection Program (PRIP)
- Accela has been streamlined to be user friendly for external and internal customers.
- Continuance of FUSE Fellow assigned to Code Enforcement
- FUSE Fellow currently working with Department on PRIP



Additional Information

- Notice of Violations available to public at <https://aca.accela.com/OAKLAND/Cap/CapHome.aspx?module=Enforcement&TabName=Enforcement>
- Detailed source data reports to search by Council District are available at <https://www.oaklandca.gov/documents/city-of-oakland-quarterly-building-code-enforcement-reports>
- Key Performance Indicator Reports are available at <https://www.oaklandca.gov/documents/planning-and-building-department-key-performance-indicators>

