

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

February 27<sup>th</sup>, 2012

Jim McGowan  
Executive Director  
Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833

**RE: 2010 California Building, Residential Electrical, Plumbing, Mechanical, Energy, & Green Building Standards Codes - 2010 editions**

RECEIVED  
2012 MAR - 6 AM 11:45  
CALIFORNIA BUILDING STANDARDS COMMISSION

Dear Mr. McGowan,

The purpose of this letter is to provide clarification on the City of Oakland's adoption of the 2010 California Building, Residential Electrical, Plumbing, Mechanical, Energy, and Green Building Standards Codes.

On October 19, 2010, the Oakland City Council adopted the 2010 Building, Electrical, Mechanical, and Plumbing codes of the State of California with local amendments to Chapter 10 Substandard Buildings, Chapter 11 Notices and Orders of the Building Official, and Chapter 12 Appeals. The adopted local administrative amendments established occupant and owner responsibilities for maintaining tenant spaces and buildings; inspection, notification, and appeals processes consistent with California and federal law; and amended the City's Master Fee Schedule, invoicing, and collection processes for abatement actions. In addition, the Oakland City Council also adopted local technical amendments which established maintenance requirements for non-residential occupancies; minimum operational requirements for structural, electrical, plumbing, mechanical, and fire and exiting; and minimum maintenance requirements for habitable occupancies (sanitation, sunlight and ventilation, overcrowding, food preparation, garbage disposal, etc.)

Also at the October 19, 2010 public hearing, the Oakland City Council adopted the 2010 California Green Building Standards. However, this particular code was adopted without any changes or local amendments.

On December 27, 2010, the City of Oakland transmitted a copy of the adopted Ordinance to the Building Standards Commission. As required, the transmittal included the expressly marked changes for the adopted local amendments, to the Chapters noted above, and the appropriate supporting findings based on local climatic, geologic, or topographic conditions.

As the Director of the Department of Planning, Building, and Neighborhood Preservation, I am responsible for the Building Services Division and Inspection Division referenced in Oakland's Ordinance. I would like to express to you our firm commitment to fully enforce all the adopted and current California Building Codes.

If additional information is required or if you have questions, please contact Heather Klein at (510)238-3659 or Ray Derania at (510)238-4780 if you have questions.

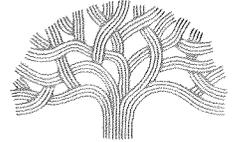
Sincerely,



Eric Angstadt  
Director  
Department of Planning, Building, and Neighborhood Preservation  
City of Oakland

**cc:** Enrique Rodriguez  
Building Standards Commission

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Building Services Division

(510) 238-3381  
FAX (510) 238-6996  
TDD (510) 238-6312

December 27, 2010

*US mail express postage*

State of California  
Building Standards Commission  
2525 Natomas Park Drive, suite 130  
Sacramento, CA 95833

Attention: Ms. Katrina Benny  
Staff Services Manager

Subject: California Housing Law - 2010 edition

Reference: Ordinance No. 13046 C.M.S. - adopted November 9, 2010  
Resolution No. 83031 C.M.S. - adopted October 19, 2010  
California Health and Safety Code sections 17958 et seq. & 18941 et seq.

2010 DEC 28 P 1:48  
BUILDING STANDARDS COMMISSION

Dear Sir;

Enclose please find copies of the City of Oakland's recent ordinance adopting local amendments, additions, and deletions to the 2010 edition of the California Housing Law (Health and Safety Code Section 17910 et seq.), and our City's companion resolution of findings.

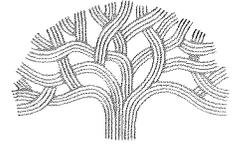
Sincerely,

RAYMOND M. DERANIA  
Deputy Director - Building Official  
Community and Economic Development Agency

510/ 238-4780, rderania@oaklandnet.com

(enclosures)

CITY OF OAKLAND



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December 27, 2010

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State of California  
Building Standards Commission  
2525 Natomas Park Drive, suite 130  
Sacramento, CA 95833

Attention: Ms. Katrina Benny  
Staff Services Manager

Subject: California Building, Residential Electrical, Plumbing, Mechanical, Energy, &  
Green Building Standards Codes - 2010 editions

Reference: Ordinance No. 13047 C.M.S. - adopted November 9, 2010  
Resolution No. 83032 C.M.S. - adopted October 19, 2010  
California Health and Safety Code sections 17958 et seq. & 18941 et seq.

Dear Sir;

Enclose please find copies of the City of Oakland's recent ordinance adopting local amendments, additions, and deletions to the 2010 editions of the California Building, Residential, Electrical, Plumbing, Mechanical, Energy, and Green Building Standards Codes, and Oakland's companion resolution of findings.

Sincerely,

RAYMOND M. DERANIA  
Deputy Director - Building Official  
Community and Economic Development Agency

510/ 238-4780, rderania@oaklandnet.com

(enclosures)

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
INTRODUCED BY  
2010 OCT 14 PM 4:30  
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, 2011; 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:

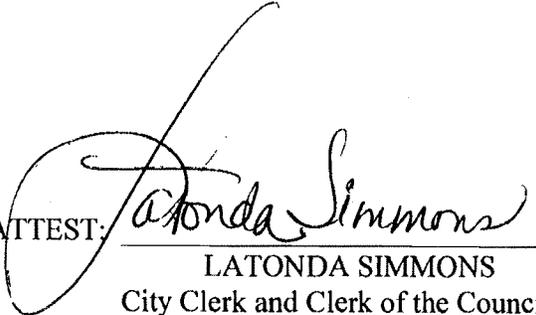
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and  
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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

FILED  
OFFICE OF THE CITY CLERK  
INTRODUCED BY AND

2010 OCT 14 PM 4:30  
COUNCILMEMBER

Approved For form and legality

K Jain

DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

Ordinance No. 13046 C.M.S.

**ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE 2010 EDITION OF THE CALIFORNIA HOUSING LAW, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 25, DIVISION 1, CHAPTER 1, SUBCHAPTER 1, DIVISION 32, AND AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.08**

**WHEREAS**, the Council of the City of Oakland does hereby find that premises exist within the City which are substandard because there exist thereon substandard buildings occupied or designed to be occupied by human beings, and such buildings are substandard because of failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or improper management, or any combination of these factors, has resulted in such buildings becoming so deteriorate, so dilapidated, so neglected, so overcrowded with occupants, or so unsanitary as to jeopardize or be detrimental to the health, safety, or general welfare and the comfortable enjoyment of living, or the people of the City; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that substandard premises and such substandard buildings existing thereon contribute to the development of, or increase in disease, infant mortality, crime and juvenile delinquency; that conditions existing on such substandard premises are dangerous to the public health, safety, and the comfortable enjoyment of living of the people; that conditions existing on such premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services; and that the conditions on such substandard premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the elimination of substandard premises and of conditions dangerous or imminently hazardous to life or limb or health or safety of the public or other property and the prevention of the occurrence and recurrence of substandard premises and of dangerous or imminently hazardous conditions in the future is in the best interests of the citizens of Oakland, the State of California, and the entire United States; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Ordinance; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the enactment of this Ordinance is essential to the public interest and that its enforcement should be liberally construed to effectuate the purposes as stated in this Ordinance; and

**WHEREAS**, the Council of the City of Oakland further 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 California Housing Law, California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1, Section 32 and amending the Oakland Municipal Code Chapter 15.08 are exempt from the provisions of the California Environmental Quality Act; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the California Housing Law, with local amendments thereof as recited herein, shall be the governing code of the City; and

**WHEREAS**, the edition of the California Housing Law as recited herein is the most current in publication:

California Housing Law, 2010 Edition, California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1, Division 32; and

**WHEREAS**, the governing state statute of the California Health and Safety Code as recited herein is the most current in effect:

California Housing Law, California Health and Safety Code (HSC), Division 13, Part 1.5, Section 17910, et seq.; now, therefore,

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

**SECTION 1. Ordinances Repealed**

City of Oakland Ordinance No. 12842 C.M.S. and all amendments thereof that conflict within or between or among the provisions of this Code are hereby repealed.

**SECTION 2. Municipal Code Deletions and Adoptions**

All articles and sections referred to as the Oakland Building Conservation Code, 2007 Edition, and contained within Chapter 15.08 of the Oakland Municipal Code are hereby deleted in their entirety.

The following chapters of the Uniform Housing Code, 1997 Edition, first printing, published by the International Conference of Building Officials, which has been codified as the California Housing Law, 2010 Edition, California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1, Division 32, incorporated by reference as articles in Chapter 15.08 of the Oakland Municipal Code:

**2010**  
**Oakland Building Maintenance Code**

**1997**  
**Uniform Housing Code**

Article I. Scope	Chapter 1. Title and Scope
Article II. Enforcement	Chapter 2. Enforcement
Article III. Fees and Inspections	Chapter 3. Permits and Inspections
Article IV. Definitions	Chapter 4. Definitions
Article V. Habitable Space	Chapter 5. Space and Occupancy Standards
Article VI. Structural	Chapter 6. Structural Requirements
Article VII. Mechanical and Electrical	Chapter 7. Mechanical Requirements
Article VIII. Exiting	Chapter 8. Exits
Article IX. Fire Protection	Chapter 9. Fire Protection
Article X. Substandard and Public Nuisance	Chapter 10. Substandard Buildings Nuisance
Article XI. Appeals	not applicable
not applicable	Chapter 11. Notices and Orders of the Building Official
not applicable	Chapter 12. Approval
not applicable	Chapter 13. Procedures for Conduct of Hearing Appeals
not applicable	Chapter 14. Enforcement of the Order of the Building Official or the Board of Appeals
not applicable	Chapter 15. Performance of Work of Repair or Demolition
not applicable	Chapter 16. Recovery of the Cost of Repair or Demolition

**SECTION 3. Oakland Housing Code Amendments**

The following changes, supplements, and deletions of the Uniform Housing Code, 1997 Edition, first printing, published by the International Conference of Building Officials, which has been codified as the California Housing Law, 2010 Edition, California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1, Division 32, are hereby approved and adopted as the Oakland Building Maintenance Code, 2010 Edition, and incorporated as articles, sections, subsections, and paragraphs into Chapter 15.08 of the Oakland Municipal Code:

**ARTICLE 1. Administrative Amendments**

**Article I. Scope**

**Section 15.08.010 Title**

These regulations shall be known as the Oakland Building Maintenance Code, may be cited as such and will be referred to herein as “this Code”.

**Section 15.08.020 Purpose**

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulations and controlling the use and occupancy, locations, and maintenance of all residential and non-residential buildings, structures, portions thereof, and real property within the City of Oakland.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

**Section 15.08.030 Scope**

The provisions of this Code shall 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 and all accessory buildings and structures on the same lot or parcel. Such occupancies in existing buildings may be continued as provided in the Oakland Building Construction Code, except such structures as are found to be Substandard and Public Nuisance as defined in this Code.

Where any building or portion thereof is used or intended to be used as a combination apartment house and hotel or combination non-residential and residential occupancies, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences, lodging houses, and Joint Live Work Quarters and Conversion Living Quarters shall comply with all the requirements of this Code for dwellings.

**Section 15.08.040 Application to Existing Buildings and Structures**

**A. Additions, Alterations, or Repairs (HSC Section 17958.8)**

For additions, alterations, or repairs, see the Oakland Building Construction Code.

Local ordinances or regulations governing alterations and repairs of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standard Code and the other rules and regulations of the department or alternative local standards adopted pursuant to California Health and Safety Code (HCS) Section 17920.7 and does not become or continue to be a Substandard and Public Nuisance building.

**B. Relocation (HSC Section 17958.9)**

Buildings or structures moved into or relocated or repositioned or raised within the City of Oakland shall comply with the requirements in the Oakland Building Construction Code for new buildings and structures.

Local ordinances or regulations governing the moving of apartment houses and dwellings shall permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundations applicable to new construction, and does not become or continue to be a Substandard and Public Nuisance building (HSC Section 17922.3).

**Section 15.08.050 General Standards**

All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapets wall, cornices, spires, towers, tanks, statuary, signage, structural members, and all appendages and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained, and of sufficient size and so protected as to reduce and minimize all egress, fire, structural collapse, natural gas or chemical asphyxiation or toxicity or explosion, electrical shock, potable water cross-contamination, sewerage contamination, and other health and safety hazards.

The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design, construction, and maintenance of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation and construction. Testing, listing, and affixed labeling shall be prima facie evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

Non-compliance with any of the provisions of this Code, including failure to provide, obtain or maintain valid approvals, permits, certifications, tests, listing, affixed labeling, inspection approvals, or other conditions of permitting; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for occupancy or egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment is hereby declared to be prima facie evidence of an existing and continuing hazard to life and limb, and/ or to property, and/ or to public welfare.

**Section 15.08.060 Effect on Other Codes, Regulations, and Ordinances of Adoption of the Oakland Building Maintenance Code**

Unless expressly stated herein, this Code is not intended to amend, repeal, or supersede provisions of any other codes, regulations, or ordinances of the City of Oakland, including but not limited to, the Demolition Ordinance, Earthquake Damage Abatement Ordinance, Dangerous Building Ordinance, Grading Ordinance, Blight Abatement Ordinance, Weed Abatement Ordinance, Administrative Penalty Ordinance, Window Security Bar Ordinance, Solid Waste Collection and Disposal and Recycling Ordinance, Oakland Planning Code, Oakland Building Construction Code, and Oakland Fire Code.

In any specific section or case where there is a conflict within or between or among provisions, the most restrictive which prescribes and establishes the higher standard of safety or public benefit shall prevail and control and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Neither the adoption of this Code nor the repeal hereby of any City ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or fee or penalty at such effective date due and unpaid under such ordinance relating to the collection of any such license or fee penalty or the penal provisions applicable to any violations thereof.

For existing residential and non-residential buildings or structures which were not Substandard and Public Nuisance at the time of adoption of this Code and which have not subsequently become Substandard and Public Nuisance, the Building Official may allow application of standards contained within provision of the Oakland Building Maintenance Code or the Oakland Building Construction Code in effect at the time the building or structure was constructed, whichever is more stringent.

#### **Section 15.08.070 Effect of Modifications and Partial Invalidity**

Where any section of the California Model Housing Code recited herein is amended hereby, all provisions of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

Where provisions set forth herein conflict with the provisions of the California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1 or the California Health and Safety Code (HSC), Division 13, Part 1.5, Section 17910 et seq., the enforcement of which by local jurisdictions is mandated by State legislation, the provision of the California Model Housing Code and the State Housing Law shall prevail and control.

Where any section, subsection, sentence, clause, phrase or other part of the California Model Housing Code recited herein and as amended hereby is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council of the City of Oakland hereby declares that it would have approved and adopted this Code and each chapter, section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, phrases or other parts be declared unconstitutional.

## **Article II. Enforcement**

### **Section 15.08.080 General**

#### **A. Authority**

The Building Official and his or her designees are hereby authorized and directed to enforce all of the provisions of this Code and Chapter 8.24 (Property Blight) of the Oakland Municipal Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

#### **B. Alternative Compliance**

Where there are practical difficulties involved in complying fully with the technical requirements of Articles V, VI, VII, VIII, and IX of this Code, the Building Official may grant modifications for individual cases. The Building Official shall find that a special individual reason makes the strict application of this Code impractical and that the modification does not lessen health and safety requirements and is equivalent in suitability, strength, effectiveness, fire resistivity, durability, and ampacity. The details of actions granting modifications shall be retained by the Building Official for the period required for retention of public records.

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in the Oakland Building Construction Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures. All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

#### **C. Right of Entry (HSC Sections 17971 and 17972)**

When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition that is contrary to or in violation of this Code that makes the building or structure or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or structure or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and secured against entry, the Building Official shall first make a reasonable effort to locate the record owner of the property or other adult person having lawful charge or control of the building or structure or premises and request entry. If such entry is refused, the Building Official shall have recourse to the remedies provide by law to secure entry.

No person authorized by this Code to enter buildings shall enter an occupied unit or space or other non-public area without the consent and presence of the owner or the owner's designated agent or the lawful and adult occupant of the unit or space or other non-public area or without a proper written order executed and issued by a court having jurisdiction to issue the order.

#### **D. Unsecured Premises**

Whenever an unoccupied building or structure or accessory structure or lot or parcel or portion thereof is or has become unsecured and open to unauthorized entry and as a result is unsafe and constitutes an attractive nuisance and danger to the public health and welfare, the Building Official may clean and secure the premises and install perimeter fencing and gates and terminate the serving utilities and maintain the premises against unsafe or unpermitted re-use or re-occupation. All charges therefore shall become an assessment against the property and the record owner.

Whenever such unsecured premises or portion thereof or condition therein is or has been determined to be a Nuisance as defined in Section 15.08.170 of this Code, the Building Official may immediately re-secure breached points of entry or construct suitable barriers to entry or otherwise temporarily abate the nuisance condition.

#### **E. Responsibilities Defined**

Owners remain liable for violation of duties imposed by this Code even though an obligation is also imposed on the occupants of the building, and even though owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Building and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this Code or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has take place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and

control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the Oakland Municipal Code, Chapter 8.24 (Property Blight) and Chapter 8.28 (Solid Waste Collection and Disposal and Recycling), and approved by the Health Officer.

Occupants shall, when required by this Code, the Oakland Municipal Code, Chapters 8.24 and 8.28, or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

### **Section 15.08.090 Substandard and Public Nuisance Buildings and Real Property**

Buildings, structures, portions thereof, and real property that are determined to be Substandard as defined in Article X of this Code are hereby declared to Public Nuisances and shall have the Certificate of Occupancy revoked and shall be abated either by repair and rehabilitation or demolition and may be ordered vacated in accordance with the procedure specified in Article XI of this Code.

### **Section 15.08.100 Appeals**

#### **A. Deteriorated Conditions**

The record owner may appeal the initial issuance of an order, decision, or determination made relative to the applications and interpretations of Articles V, VI, VII, VII, and IX of this Code by filing a written request which shall contain the following information:

1. A brief statement in ordinary and concise language of that specific action protested, together with any material facts claimed to support the contentions of the appellant.
2. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action was a result of error or abuse of discretion and therefore should be reversed, modified, or otherwise set aside.

Such written request (appeal) together with fees as established in the Master Fee Schedule shall be received by the Building Official within twenty-one (21) calendar days from the date of the service, as set forth in Section 15.08.110.B of this Code, of the initial issuance of such order, decision, or determination. Failure by the record owner to file such written request along with full payment of fees within the period of time prescribed herein shall constitute a waiver of his or her right to an administrative adjudication of such action or to any portion thereof.

#### **B. Hazardous Conditions**

The record owner may appeal from orders, decisions, or determinations made relative to the applications and interpretations of Article X of this Code, to a Hearing Examiner, who shall be a person who is qualified by experience and training to pass on matters pertaining to health and safety and welfare of the public, and who may not be an employee of the City of Oakland.

The Hearing Examiner shall have no authority relative to interpretations of the administrative (non-technical) provisions of this Code. The Hearing Examiner shall not be empowered to waive non-administrative (technical) requirements of Article X of this Code, but may grant reasonable alternatives in exceptional cases where it is demonstratively impractical or physically impossible to comply strictly with such requirements.

### **C. Review of Administrative Actions**

The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative actions made by the Building Official or Hearing Examiner.

### **Section 15.08.110 Abatement of Violations**

#### **A. General**

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, or structure, portion thereof, or real property or cause or allow the same to be done in violation of this Code.

In addition to the penalties provided by law and ordinance, a violator shall be liable for such costs, expenses, accruing interest, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation.

Pursuant to Section 836.5 of the California Penal Code, the Building Official and his or her designees are hereby authorized to enforce this Code and cause the arrest of violators thereof.

The City Administrator, or his or her designee, shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Code, in addition to those officers enumerated herein. Officers or employees so designated shall have the authority to cause the arrest of persons who violate any of such provisions.

Conviction of an infraction and any subsequent convictions under the provisions of this Code shall be punishable by the maximum fines prescribed by law. Any violations beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor, and the penalty for conviction of the same shall be punishable by the maximum fines and sentence of imprisonment in the County Jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the building, structure, portion thereof, or the real property shall, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

Pursuant to Section 409.5 of the California Penal Code, failure to vacate immediately or to impede in any way whatsoever the vacation of any building, structure, portion thereof, or real

property which has been determined by the Building Official to be an Imminent Hazard as provided in Section 15.08.380.C of this Code shall constitute a misdemeanor offense and shall be cause for arrest and removal from the premises in addition to all other penalties provided by law.

## **B. Notification**

The initial Notice or Order shall be served to the record owner of the property by one or more of the following methods of service:

1. personal delivery with acknowledged receipt; or
2. mailing with certified postage to the record owner's address as it appears on the last equalized assessment roll of the Alameda County Tax Assessor or as otherwise may be known to the Building Official; or
3. constructive public notification, including but not limited to the following:
  - a. publication in a newspaper of general circulation; or
  - b. conspicuous posting on or in the vicinity of the property.

Failure to serve any person required by this Code to be served or failure of such person to receive such notification shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by this Code.

## **Article III. Fees and Inspections**

### **Section 15.08.120 General**

No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless separate permits for each building or structure have first been obtained from the Building Official in the manner and according to the applicable conditions prescribed in the Oakland Building Construction Code and the Oakland Planning Code.

### **Section 15.08.130 Fees, Costs, Penalties, and Interest**

#### **A. Abatement of Violations**

The fees and costs incurred and the penalties assessed and the interest accrued in obtaining Real Property Ownership Reports, and in repairing, cleaning, remediating, removing, or demolishing a building, structure, or real property, including costs incurred in relocating occupants of the building and in securing a building, structure, or real property from unauthorized access, and in

ascertaining violations or affecting abatement thereof and in collecting such fees, costs, penalties, and accruing interest shall be charged against the property and owners.

Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule of the City of Oakland and may be recovered by all appropriate legal means, including but not limited to nuisance abatement lien, prospective lien and special assessment of the general tax levy, priority lien and special assessment of the general tax levy, or civil and small claims court action brought by the City of Oakland, and combinations of such actions.

The City may recover from the property owner all costs incurred for processing and recording of such liens and special assessments authorized by this Code and for providing notice to the property owner as part of its foreclosure action or for other actions to enforce such liens and special assessments and to recover costs incurred, including attorneys' fees.

## **B. Demand for Payment**

Prior to recordation of a nuisance abatement lien or a priority lien and special assessment of the general tax levy, the Building Official shall provide the property owner an itemized list of the fees, costs, penalties, and interest accruing to such lien, with a Demand for Payment thereof. Such Demand shall indicate that failure to pay expeditiously will result in a collection action as set forth in this Code.

**Exception:** Prospective lien and special assessment of the general tax levy.

## **C. Collection**

Whenever such fees, costs, penalties, and accruing interest are not fully paid with seven (7) calendar days after service of such Demand, the Building Official or the City may undertake collection by one or more of the following means:

### **1. Priority Lien**

The Building Official or the City may file a certificate of Priority Lien and Special Assessment of the General Tax Levy with the Office of the Alameda County Clerk-Recorder for recordation on the property title which shall be a priority lien against the property described therein until such amounts with accrued interest have been paid in full. The amount of such lien shall draw interest thereon at a rate as established in the Master Fee Schedule or such higher rate as may be established by the Alameda County Tax Assessor and Tax Collector for collection of municipal and county taxes from and after the date of service of the such demand. The statute of limitations shall not run against the right of City of Oakland to enforce payment.

### **2. Special Assessment of the General Tax Levy**

The Building Official or the City may transmit such amounts with accrued interest to the Alameda County Tax Assessor and Tax Collector, who shall thereupon enter a Special

Assessment of the General Tax Levy on the County Assessment Book opposite the description of the particular lot or parcel of land, and such Special Assessment shall be collected together with all other taxes levied against the property. Such Special Assessment shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale, in the case of delinquency, as provided for all other municipal and county taxes against the property, and all laws applicable to the levy, collection, and enforcement of general property taxes are hereby made applicable to such special assessment.

### **3. Nuisance Abatement Lien**

The Building Official or the City may file a Nuisance Abatement Lien with the Alameda County Clerk-Recorder for recordation on the property title which shall, from the date of recordation, have the force, effect, and priority of a Judgment Lien. Such Nuisance Abatement Lien may be foreclosed by an action brought by the City of Oakland for a money judgment.

## **D. Service**

### **1. Demand For Payment**

The initial Demand shall be served to the record owner of the property by one or more of the following methods of service:

- a. mailing with regular postage to the owner's address as it appears on the last equalized assessment roll of the Alameda County Tax Assessor, or as otherwise may be known to the Building Official; or
- b. personnel delivery with acknowledged receipt; or
- c. public notification, including but not limited to the following:
  - i. publication in a newspaper of general circulation; or
  - ii. conspicuous posting on or in the vicinity of the property; or
  - iii. filing of a Prospective Lien and Special Assessment of the General Tax Levy with the Alameda County Clerk-Recorder for recordation on the property title.

### **2. Nuisance Abatement Lien**

The notice of a Nuisance Abatement Lien shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. Whenever the record owner cannot be found after diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for not less than ten (10) calendar days and publication thereof in a

newspaper of general circulation published in the county in which the property is located pursuant to Government code Section 6062.

Failure to serve any person required by this Code to be served or failure of such person to receive such notification shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by this Code.

## **E. Notice Content**

### **1. Prospective Lien and Priority Lien**

Such liens authorized by this Code shall specify the amount of the lien, identify the agency of the City on whose behalf the lien is imposed, identify the street address (where assigned by the City) and parcel number assigned by the Alameda County Tax Assessor of the property on which the assessment is imposed, and the name and address of the record owner of the property.

### **2. Nuisance Abatement Lien**

Such lien authorized by this Code shall specify the amount of the lien, identify the agency of the City on whose behalf the lien is imposed, the date of the abatement order, the street address (where assigned by the City), the legal description of the property and the parcel number assigned by the Alameda County Tax Assessor on which the lien is imposed, and the name and address of the record owner of the property

## **E. Lien Release**

### **1. Priority Lien and Nuisance Abatement Lien**

Whenever such lien has been satisfactorily discharged, either through payment in full or foreclosure, a notice of such action shall be filed with the Alameda County Clerk-Recorder for recordation on the property title.

### **2. Prospective Lien**

Filing of a notice of the satisfactory discharge of such lien with the Alameda County Clerk-Recorder for recordation on the property title shall be contingent upon fulfillment of Conditions of Compliance as set forth in Section 15.08.370.B of this Code.

## **Section 15.08.140 Permit Inspection**

Buildings, or structures, portions thereof, and real property within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this Code and the Oakland Building Construction Code and the Oakland Planning Code, as currently adopted and amended.

**Section 15.08.150 Certificate of Occupancy**

**A. General**

It shall be unlawful to occupy or otherwise use or let to another for occupancy or other use any building or structure or portion thereof for which a Certificate of Occupancy has not been issued where such Certificate is required by the Oakland Building Construction Code.

A Certificate of Occupancy shall limit the use and occupancy of a building or structure and shall continue as valid until such Certificate is revoked or expires, or until such time as a change in the occupancy or use of the building or structure or a Substandard condition as defined in Article X of this Code shall occur, or until the building or structure is demolished.

A Certificate of Occupancy shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirement of any laws or ordinances of the City of Oakland nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City of Oakland.

**B. Issuance**

The record owner of a property or the owner's designated agent may request the re-issuance of a Certificate of Occupancy. At the time of filing of such request, a fee shall be paid as established in the Master Fee Schedule.

The re-issuance of a Certificate of Occupancy or the renewal of a revoked or expired Certificate of Occupancy shall be approved by the Building Official only after all of the following have been completed:

1. application by the record owner of the property or the owner's designated agent for a Report of Permit Record; and
2. application by the record owner of the property or the owner's designated agent for a Certificate of Occupancy; and
3. application for and issuance of all approvals, valid house numbers and street names, and permits required by the Oakland Building Construction Code and the Oakland Planning Code and Oakland Municipal Code; and
4. execution by the record owner of the property or the owner's designated agent and a prospective purchaser of the property of a Conditions of Compliance agreement, as applicable; and
5. approval of permit final inspections; and

6. approval of Certificate of Occupancy final inspections; and
7. payment of all associated fees, assessments, securities and deposits, penalties, and accrued interest.

A temporary Certificate of Occupancy may be issued for re-occupation or re-use of a building, structure, portion thereof, or real property prior to the completion of the rehabilitation of the building or structure or repair of the real property if the Building Official finds that no substantial hazard will result from the re-occupation or re-use, but such temporary Certificate shall expire at the conclusion of the time limitation set forth therein and thereafter shall be no longer valid.

### **C. Revocation**

An existing or temporary Certificate of Occupancy may be revoked for one or more of the following causes and thereafter no longer be valid:

1. any occupancy or use not specifically authorized by or any violation of or failure to comply with a condition of the issuance of an existing or temporary the Certificate of Occupancy; or
2. continued existence of Substandard and Public Nuisance conditions as defined in Article X of this Code; or
3. discovery of any false statement or misrepresentation made by the applicant; or
4. any condition which jeopardizes the health or safety of the occupants or the public.

Any building or structure for which a Certificate of Occupancy or temporary Certificate of Occupancy has expired or has been revoked may be ordered vacated in accordance with Article XI of this Code.

### **Section 15.08.160 Report of Permit Record**

The record owner of a property or the owner's designated agent may request a determination, insofar as ascertainable from available City building and planning permit records, for an existing building or structure of its approved occupancy or use, the number of approved dwelling units, the number and designations of approved habitable rooms or spaces, and the valid house number or numbers and street name. At the time of filing of such request, a fee shall be paid as established in the Master Fee Schedule.

Additional relevant information may also be requested pertaining to the date and type of original construction; previously approved occupancy or use; the number of approved parking spaces and accessory buildings on the lot or parcel; previous permit applications and associated approvals, variances, and final inspections; previous Certificates of Occupancy; and retained plot plans, construction plans, and engineering and inspection reports.

## Article IV Definitions

### Section 15.08.170 Definitions (HSC Section 17910, et. seq.)

For the purpose of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified either in this Section or as specified in the Oakland Building Construction Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**ACCESSORY BUILDING** is a detached subordinate building, the use of which is customarily incidental to that of the main building or the main use of the land and which is located on the same lot or parcel with the main building of use.

**APARTMENT HOUSE** is a residential building or portion thereof which contains three or more dwelling units and, for the purposes of this Code, includes residential condominiums and Joint Live Work Quarters and Urban Core/ Conversion Residence Quarters as defined in the Oakland Building Code.

**BEDROOM** is a sleeping room having a minimum 2 feet 4 inches wide by 6 feet 8 inches high door opening communicating directly with other internal areas of a dwelling unit and containing a separate closet.

**BUILDING CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**BUILDING OFFICIAL** is the Deputy Director - Building Services, of the Community and Economic Development Agency of the City of Oakland, or his or her designee, and his or her successor in title.

**COMMUNITY KITCHEN** is a kitchen in a hotel or lodging house used individually or collectively by the occupants, but not used commercially to serve a dining room or the public.

**CONGREGATE RESIDENCE** is any residential building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, motels, or lodging houses.

**COURT** is a space, open and unobstructed to the sky, located at or above finished grade on a lot and bounded on three or more sides by walls of a building.

**DWELLING** is a residential building or portion thereof which contains not more than two dwelling units.

**DWELLING UNIT** is a residential building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one family or a congregate residence for not more than 10 persons.

**EFFICIENCY DWELLING UNIT** is a dwelling unit containing only one habitable room and meeting the requirements of Section 15.08.210.B, Exception 1, of this Code.

**FIRE CHIEF** is the Chief of the Fire Services Agency of the City of Oakland, or his or her designee, and his or her successor in title.

**GUEST ROOM** is a room or rooms used or intended to be by used for sleeping purposes by a person hiring or occupying the room or rooms. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

**HABITABLE SPACE (ROOM)** is space in a residential building or structure intended or used for living, sleeping, eating, or cooking. Bathrooms, water closet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**HEALTH OFFICER** is head of the Department of Environmental Health of Alameda County, or his or her designee.

**HEARING EXAMINER** is a person who is qualified by training and experience to conduct administrative hearings of appeals in accordance with Article IX of this Code.

**HOT WATER** is portable water supplied to plumbing fixtures at a temperature of not less than 1100 F.

**HOTEL (MOTEL)** is a residential building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**HOUSEKEEPING ROOM** is a dwelling unit containing only one habitable room and meeting the requirements of Section 15.08.210.B, Exception 2, of this Code.

**LODGING HOUSE** is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

**LOT** is a subdivided piece or parcel of land fronting on a public street or a private access easement and described by reference to a recorded plat or by metes and bounds.

**MECHANICAL CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**NUISANCE** is one or more of the following:

1. a public nuisance known at common law or in equity jurisprudence;
2. an attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot, including but not limited to, an abandoned well, shaft, basement, pool or pond, or excavation; an abandoned refrigerator or motor vehicle; a structurally unsound fence or structure; lumber, trash, fence, debris, or vegetation; or narcotics or other controlled substances and related paraphernalia that may prove a hazard for inquisitive minors;
3. whatever is unsafe to life and limb, as determined by the Building Official or the Fire Chief, or detrimental to public health or the health of the occupants, as determined by the Health Officer;
4. overcrowding a room with occupants;
5. insufficient ventilation or illumination;
6. inadequate or unsanitary sewage disposal system or plumbing facilities;
7. uncleanliness, as determined by the Health Officer;
8. whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

**OCCUPANT** is any person using any building or structure or portion thereof as habitable space, with or without the knowledge or consent of the property owner.

**OPEN STORAGE** is storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in Open Storage even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

**OPERATOR** is any person who has charge, care, or control of a building, or part thereof, in which dwelling units or guest rooms are let.

**PLUMBING CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**PUBLIC CORRIDOR (HALLWAY)** is an enclosed, continuous and unobstructed means of egress to a public way which includes an intervening hallway, passageway, vestibule, stairway,

landing, or platform within a building, but not within any apartment, guest room, or suite of rooms.

**RECYCLABLES** are materials, goods, vehicles, machinery, appliances, products or articles, either new or used, with or without monetary value, which are suitable for re-use.

**RESIDENTIAL BUILDING** is a building or structure, or portion thereof, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof.

**ROOM** is an unsubdivided and enclosed portion of the interior of a building but not including an enclosed show window.

**RUBBISH** is combustible and noncombustible waste material, other than garbage (solid organic waste), including, but not limited to, paper stock, rags, cartons, boxes, wood, excelsior, rubber, leather, vegetation trimmings and cuttings, cans, metal, mineral matter, glass, crockery, dust, and the residue from burning wood, coal, or coke.

**SLEEPING ROOM** is a habitable room in a residential building which does not contain a water heater, water closet, bidet, bathtub, shower receptor, clothes washer or dryer, or food cooking appliance; and does not open directly into a garage or carport; and otherwise meets minimum standards of health and safety for sleeping as determined by the Building Official.

**VENT SHAFT** is a court which is used to ventilate a water closet, bath, shower receptor, utility room or other service room.

**WINDOW** is a glazed exterior opening, including a glazed door, which opens onto a yard, court, or a vent shaft.

**YARD** is an open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

## **SECTION 15.08.180 Oakland Building Construction Code Definitions**

Wherever terms, phrases, words, and their derivatives in this Code are not defined herein but are defined in the Oakland Building Construction Code, such definitions in the Oakland Building Construction Code shall control.

## **ARTICLE 2. Non-Administrative (Technical) Amendments**

### **Article V. Habitable Space**

#### **Section 15.08.190 Scope**

This Article shall apply to all residential buildings and structures and to non-residential buildings and structures as specifically indicated.

### **Section 15.08.200 Yards and Courts**

#### **A. Location on Property (HSC 17910 et seq.)**

Residential buildings and structures shall be located with respect to property lines and to other buildings on the same property as required by the Oakland Building Construction Code and as permitted by applicable codes at the time of construction.

#### **B. Yards**

Every yard having required residential window openings therein shall be not less than 3 feet in width for one- and two-story buildings. For residential buildings and structures more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot for each additional story. Where yards completely surround the building, the required width may be reduced by 1 foot. For residential buildings and structures exceeding 14 stories in height, the required width of yard shall be computed on the basis of 14 stories.

#### **C. Courts**

Every court having required residential window openings therein shall be not less than 3 feet in width. Courts having windows opening on opposite sides shall be not less than 6 feet in width. Courts bounded on three or more sides by the walls of the building shall be not less than 10 feet in length unless bounded on one end by a public way or yard. For residential buildings and structures more than two stories in height, the court shall be increased 1 foot in width and 2 feet in length for each additional story. For residential buildings and structures exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all such courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

### **Section 15.08.210 Room Dimensions**

#### **A. Ceiling Heights**

Habitable space in residential buildings and structures shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this Section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48

inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.

If any such room has a sloping ceiling, the prescribed ceiling height of the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any such room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

## **B. Floor Area**

Dwelling units and congregate residences shall have at least one habitable room that shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

### **Exception:**

#### **1. Efficiency Dwelling Unit meeting the following requirements:**

- a. The unit shall have a combined living, eating, and sleeping room of not less than 220 square feet of superficial floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.**
- b. The unit shall be provided with a separate closet.**
- c. The unit shall be provided with an approved kitchen sink, non-portable cooking appliance and refrigeration appliance in close proximity to each other, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.**
- d. The unit shall be provided with an approved cabinet adjacent to the kitchen sink for storing food, crockery, cutlery, and cooking utensils; and**
- e. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower receptor.**

#### **2. Housekeeping Room meeting the following requirements:**

- a. The unit shall have a combined living, eating, and sleeping room of not less than 150 square feet of superficial floor area. The unit shall be occupied by not more than one person.
- b. The room shall be provided with an approved kitchen sink, non-portable cooking appliance, and refrigeration appliance in close proximity to each other and having a clear working space of not less than 30 inches in front and used solely by the occupant of the room for preparation of the occupant's food. Light and ventilation conforming to this Code shall be provided.
- c. The room shall be provided with an approved cabinet adjacent to the kitchen sink for storing food, crockery, cutlery, and cooking utensils.
- d. Where a separate bathroom containing a water closet, lavatory, and bathtub or shower receptor is not provided within the unit, the residential building shall have at least one water closet and lavatory and at least one bathtub or shower receptor in separate compartments on a public corridor for each four or fraction part thereof Housekeeping Rooms on a floor.

### **C. Width**

No habitable room other than a kitchen shall be less than 7 feet in any horizontal dimension.

Each water closet stool shall be located in a clear space not less than 30 inches in width and a clear space in front of the water closet stool of not less than 24 inches shall be provided.

### **Section 15.08.220 Light and Ventilation (HSC Section 17910 et seq.)**

#### **A. General**

For the purposes of determining the light or ventilation required by this section, any habitable room may be considered as a portion of an adjoining habitable room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Exterior opening for natural light or ventilation required by this Section shall open directly onto a public right-of-way or a yard or court located on the same lot as the residential building or structure.

#### **Exception:**

- 1. Required windows may open into a roofed porch where the porch:
  - a. abuts a public way, yard or court; and
  - b. has a ceiling height of not less than 7 feet; and

c. has a longer side at least 65 percent open and unobstructed.

## **2. Skylights**

### **B. Light**

Habitable rooms shall be provided with natural light as required by the Oakland Building Construction Code.

### **C. Ventilation**

Habitable rooms shall be provided with natural ventilation as required by the Oakland Building Construction Code.

In lieu of required openable exterior openings for natural ventilation, a mechanical ventilating system as required by the Oakland Building Construction Code may be provided in laundry rooms, bathrooms and water closet compartments, and public corridors.

### **D. Corridors**

All public corridors, stairs, and other exitways shall be adequately lighted at all times in accordance with the Oakland Building Construction Code

## **Section 15.08.230 Sanitation (HSC Section 17910, et seq.)**

### **A. Dwelling Units, Lodging Houses, and Congregate Residences**

Dwelling units, lodging houses, and congregate residences shall be provided with a bathroom equipped with plumbing fixtures consisting of a water closet, lavatory and either a bathtub or a shower receptor.

### **B. Hotels and Motels**

Hotels and motels or subdivisions thereof where both genders are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet.

**Exception:** Guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each gender at the rate of one for every additional 10 guests, or fractional part thereof, in excess of 10.

### **C. Kitchen**

Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with an approved kitchen sink, cooking appliance, refrigeration appliance and cabinet for storing food,

crockery, cutlery, and cooking utensils. Wooden sinks or sinks of similarly absorbent material shall not be permitted. Drainboards shall be maintained water-proofed.

#### **D. Plumbing Fixtures**

All plumbing fixtures shall be approved and connected to an approved sanitary sewer. All plumbing fixtures shall be connected to an approved system of potable water supply and provided with hot and cold running water necessary for its normal operation.

#### **E. Water Closet Compartments**

Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Oakland Building Construction Code.

#### **F. Room Separations**

Every water closet, bathtub or shower receptor required by this Code shall be installed in a room that will afford privacy to the occupant.

#### **G. Sanitary Facilities**

All sanitary facilities, including but not limited to plumbing fixtures, sanitary sewer, and garbage receptacles, shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Oakland Building Construction Code and Oakland Municipal Code.

#### **H. Basements**

Window wells for habitable space in basements of residential buildings or structures shall conform with the requirements of the Oakland Building Construction Code.

#### **I. Subdivision of Rooms**

No portion of any room in a dwelling, dwelling unit, efficiency dwelling unit, housekeeping room, apartment house, lodging house, congregate residence, hotel, or motel shall be enclosed or subdivided, wholly or in part by a curtain, portiere, fixed or movable partition or other contrivance or device so as to reduce the minimum floor area and width required by this Code.

#### **J. Kitchen Separation**

Every kitchen shall be separated from a sleeping room by a floor-to-ceiling partition with an opening not greater than 21 square feet unless such opening is closed with a tight-fitting door or doors.

**Exception:** Housekeeping rooms and efficiency dwelling units.

**K. Guest Room Cooking**

Food shall not be cooked or otherwise prepared in a guest room except in a kitchen.

**Exception:** Microwave oven used solely to heat pre-prepared food.

**L. Prohibited Use**

No person shall use or occupy or allow another person to use or occupy any residential or non-residential building or structure or portion thereof for living, sleeping, cooking, or eating purposes unless such space or room or rooms conform with the requirements of this Code for habitable space and of the Oakland Planning Code.

**M. Lot Drainage**

All portions of a lot surrounding a residential or non-residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be graded and drained to an approved facility to preclude the ponding or retention of surface water.

**Exception:** Group R, Division 3 occupancy

Surface water and its collection system shall not be drained or connected to a sanitary sewer system.

**N. Lot Surfacing**

Whenever necessary for proper sanitation or for the protection of the health of the occupants, portion or portions of a lot surrounding a residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be surfaced with an approved hardened material such as portland cement concrete or asphalt concrete.

**O. Room Finishes**

Walls and ceilings of habitable rooms in residential buildings or structures shall be finished, sealed, coated, or covered in an approved manner. Approved materials shall be applied as required to maintain surfaces clean and sanitary. Exterior walls or portions thereof and floors of habitable rooms below surrounding finished grade level shall be maintained water-proof. Walls of courts and vent shafts shall be painted and maintained light-colored.

**P. Garbage Receptacles**

Approved solid waste (garbage) receptacles and adequate collection service for residential and non-residential buildings and structures shall be provided as required by Chapter 8.28 (Solid Waste Collection and Disposal and Recycling) of the Oakland Municipal Code.

Garbage receptacles and garbage chutes, shafts, covers, and doors shall be maintained clean and tightly closed. Garbage receptacles shall be stored in an approved location.

Garbage chutes and shafts and walls of closets, compartments, and rooms used for storing garbage receptacles in residential and non-residential buildings or structure shall be concrete, concrete block, or lined with galvanized metal.

## **Q. Vector Control**

### **1. General**

Every room, corridor, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain or shade or drapery, water closet compartment, toilet room, bathroom, slop sink room, crawl space, washroom, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, and the premises of every residential and non-residential building or structure shall be kept in every part clean, sanitary, and free from all accumulation debris, filth, rubbish, garbage and other offensive matter, insects, rodents and other vector.

Neither any article that is dangerous or detrimental to life and limb or to the health of occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard or provide harborage for rodents or other vector, shall be kept, stored, or handled in any part of a dwelling, dwelling unit, lodging house, apartment house, congregate residence, hotel, or motel, or of the lot on which such building is located, except upon written permit obtained from the officer or agency authorized by law to issue such permit.

### **2. Openings and Penetrations**

Residential and non-residential buildings or structures used for the following activities or occupancies shall be constructed and maintained impervious to the ingress of insects, rodents, and other vector:

- a. Group I and Group R, Division 2, and Group R, Division 3 occupancies;
- b. storing, processing, packaging, or milling of food, meats, fats, oils, dairy products, hay, straw, grain, or feed;
- c. raising or housing chickens, birds, poultry, horses, cows, sheep, goats, swine, or other fowl, animals livestock, or domestic pets

Foundations and foundation walls shall extend for the full perimeter of building or structure and shall be constructed of concrete or masonry.

**Exception:** Type V construction with a floor area not greater than 120 square feet, provided that the floor joists of such a building or structure have not less than 18 inches clearance above the ground and that the exterior perimeter of the underfloor area is fully open on three or more sides and that the underfloor area is maintained clear and free of storage and of debris, vegetation, and other materials.

Foundation wall openings for underfloor access and ventilation shall conform with the requirements of the Oakland Building Code.

Chimneys, piping, ducting, and other penetrations of the basement and first floor shall have metal shields which tightly encircle the penetration and underlay the flooring.

Stores and warehouses shall have concrete floors. Interior surfaces of exterior walls of stores shall be covered with gypsum wallboard or plaster.

## **R. Operator**

The owner or manager, custodian, housekeeper, or homeowners' association representative or other responsible person shall reside or maintain continuous (24-hour) attendance upon the premises and shall have charge of every hotel or motel with 12 or more guest rooms or apartment house, Joint Live Work Quarters, Conversion Residence Quarters, or residential condominium with sixteen or more dwelling units. A notice displaying the name, address, and telephone number of the owner or the owner's designated agent shall be prominently posted in a conspicuous place on the premises of every apartment house having more than three but less than sixteen dwelling units and every hotel and motel having more than three but less than twelve guest rooms and in every lodging house having more than three guest rooms.

### **Section 15.08.240 Security**

Windows, exit doors, fire doors, penthouse doors, and roof scuttles in residential and non-residential buildings and structures shall conform with the requirements of the Oakland Building Code for locking devices, exiting and emergency escape, and security bars and grills and shall be maintained unobstructed and in proper repair and good working order.

Windows in residential buildings and structures which are within 6 feet vertically of finished grade or are accessible from a one-story porch, roof or other fixed appurtenance shall be provided with approved locking devices and maintained in proper repair and good working order.

## **Article VI. Structural**

### **Section 15.08.250 General (HSC Section 17910, et seq.)**

### **A. General**

Building or structures may be of any type of construction permitted by the Oakland Building Construction Code. Roofs, floors, walls, foundations, and all other structural components of building and structures shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Oakland Building Construction Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Oakland Building Construction Code.

### **B. Shelter**

Every building or structure shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

### **C. Protection of Materials**

All wood shall be protected against insect damage and decay as provided in the Oakland Building Construction Code.

## **Article VII. Mechanical and Electrical**

### **Section 15.08.260 Mechanical and Electrical Systems (HSC Section 17910 et seq.)**

#### **A. Heating System**

All habitable space shall be provided with heating facilities capable of maintaining a room temperature of 700 F at a point 3 feet above the floor. Such facilities shall be installed and maintained in a safe condition and in accordance with the Oakland Building Construction Code and all other applicable laws. Unvented heaters shall not be permitted. All heating devices or appliances shall be of an approved type.

When room heating facilities are not under direct control of the tenant or occupant, the property owner shall continually operate such facilities to maintain a room temperature of 700 F at point 3 feet above the floor 24 hours-a-day in all habitable space.

Each tenant or occupant shall have independent thermostatic control of the room temperature.

#### **B. Ventilation System**

Ventilation for habitable rooms, water closet compartments, bathrooms, laundry rooms, and public corridors and similar areas and for fuel-burning appliances shall be provided as required in the Oakland Building Construction Code and in this Code. Where mechanical ventilation is

provided in lieu of the natural ventilation required by Section 15.08.220 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

### **C. Electrical System**

All electrical equipment, wiring, appliances, and fixtures shall be installed and maintained in a safe manner in accordance with the Oakland Building Construction Code and other all applicable laws. All electrical equipment, wiring, and fixtures shall be of an approved type. Where there is electrical power available within 300 feet of any residential building or structure, such building or structure shall be connected to such electrical power.

Every habitable room shall contain at least two electrical convenience receptacles or one convenience receptacle and one switched electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public corridor shall contain at least one switched electric light fixture. Switching devices controlling electrical equipment, appliances, and fixtures shall be of an approved type and shall not be readily accessible to a bathtub or shower receptor.

## **Article VIII. Exiting**

### **Section 15.08.270 General**

Rooms shall have access directly to the outside or to a public corridor. All residential and non-residential buildings and structures or portions thereof shall be provided with exits, exitways, and appurtenances as required by the Oakland Building Construction Code.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the used of separate tools.

### **Section 15.08.280 Fire Assemblies**

Fire assemblies which customarily or repeatedly are maintained in an open position shall have automatic closing devices installed and properly maintained in working order.

### **Section 15.08.290 Transoms**

All Group R, Division 1 and Division 2 occupancies shall have no transoms, windows or similar fenestration from dwelling units or guest rooms opening onto a public corridor. All such existing openings shall be fixed in a closed position and covered with a minimum of 0.75 inch thick plywood or 0.5 inch thick gypsum wallboard or equivalent material.

### **Section 15.08.300 Wooden Stairs**

No closet or other storage compartment shall be constructed under any wooden interior or exterior stair or landing in a Group R, Division 1 or Division 2 occupancy more than two stories in height. Such space shall be entirely open and maintained free of all storage, utility meters, heating facilities, and similar encumbrances, unless such space is enclosed as required by the Oakland Building Construction Code for a stairway enclosure without doors or other openings communicating with interior spaces.

## **Article IX. Fire Protection**

### **Section 15.08.310 General**

All residential and non-residential buildings or structures or portions thereof shall be provided with the degree of fire-resistive construction as required by the Oakland Building Construction Code of the appropriate occupancy, type of construction, and location on the property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Oakland Fire Code and Oakland Building Construction Code

### **Section 15.08.320 Smoke Detectors**

Where installed in residential buildings or structures, approved devices used to detect the products and components of combustion (smoke detectors) shall have captive screws or other approved method to preclude unauthorized tampering or removal of the device and shall be maintained in proper working order.

## **Article X. Substandard and Public Nuisance Buildings**

### **Section 15.08.340 Definitions**

#### **A. General**

Any residential or non-residential building, structure, or portion thereof which is determined to be an Unsafe in accordance with the Oakland Building Construction Code; or any residential or non-residential building, structure or portion thereof, including but not limited to any dwelling unit, guest room or suite of rooms, or the premises on which the same is located commercial office or retail sales space, classroom or associated locker room or toilet room, assembly space, or any real property in which there exists any of the conditions referenced in this Section to an extent that endangers is Unsafe to the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a Substandard building and a Public Nuisance.

#### **B. Inadequate Sanitation**

Residential and non-residential buildings, structures, or portions thereof shall be deemed Substandard and a Public Nuisance when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closets, lavatory, bathtub, or shower receptor in a dwelling unit, congregate residence, or lodging house.
2. Lack of, or improper water closets, lavatories, and bathtubs or shower receptors per number of guests in a hotel (motel).
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of, or inadequate hot and cold running potable water to plumbing fixtures in a hotel residential occupancy.
5. Lack of or inadequate running potable water to plumbing fixtures in a dwelling-unit non-residential occupancy.
6. Lack of, or inadequate, or improper operation of adequate heating system required by this Code or the Oakland Building Construction Code.
7. Lack of, or inadequate, or improper operation of required ventilating equipment system required by this Code or the Oakland Building Construction Code.
8. Lack of minimum amounts of natural light and ventilation required by this Code.
9. Room and space dimension less than required by this Code or the Oakland Building Construction Code.
10. Lack of or improper electrical lighting required by this Code or the Oakland Building Construction Code.
11. Dampness of habitable rooms or classrooms and associated locker rooms, toilet rooms, and assembly areas.
12. Infestation of insects, vermin, rodents, or other vector as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of, or improper, connection to required sewage disposal approved sanitary sewer system.
15. Lack of adequate, or inadequate, or improper operation of garbage and rubbish storage and removal facilities as determined by the health officer.

### **C. Structural Hazards**

Residential and non-residential buildings or structures or portions thereof shall be deemed Substandard and a Public Nuisance when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated, damaged, or inadequate foundations.
2. Defective, damaged, or deteriorated flooring, ~~or~~ floor supports, stairs and landings, or balconies and their load-bearing connections.
3. Flooring, ~~or~~ floor supports, stairs and landings, or balconies and their load-bearing connections of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions, posts and columns, moment-resisting frame, or other vertical supports and their load bearing connections that split, lean, list, fracture, or buckle due to defective material, damage, or deterioration.
5. Members of walls, partitions, posts and columns, moment-resisting frame, or other vertical supports and their load bearing connections that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members and their load bearing connections which sag, split, fracture, or buckle due to defective material, damage, or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members and their load bearing connections that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge or settle due to defective material, damage, or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

### **D. Nuisance**

Buildings, structures, portions thereof, or real property in which there exists any nuisance as defined in this Code are deemed Substandard and a Public Nuisance.

### **E. Hazardous Electrical Wiring and Equipment**

All Electrical wiring ~~except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly~~ and equipment which was installed in violation of code requirements in effect at the time of installation or

electrical wiring and equipment not installed in accordance with generally accepted construction practices in area where no codes were in effect or which has not been maintained in good conditions or which is not being used in a safe manner shall be considered Substandard and a Public Nuisance.

#### **F. Hazardous Plumbing**

~~All Plumbing except plumbing that conformed with all applicable laws in effect and has been maintained in good condition or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly and is free of which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections and or siphonage between fixtures shall be considered Substandard and a Public Nuisance.~~

#### **G. Hazardous Mechanical Equipment**

~~All Mechanical equipment including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect that the time of installation but is currently in good and safe condition and working properly which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered Substandard and a Public Nuisance.~~

#### **H. Faulty Weather Protection**

Residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster or gypsum wallboard.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

#### **I. Fire Hazard**

Any residential or non-residential building, structure, or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered Substandard and a Public Nuisance.

#### **J. Faulty Materials of Construction**

~~All~~ The use of materials of construction, except those which are specifically allowed or approved by this Code and the Oakland Building Construction Code, and which have been adequately maintained in good and safe condition, shall cause a residential or non-residential building or structure to be Substandard and a Public Nuisance.

#### **K. Hazardous or Unsanitary Premises**

~~Those premises on which~~ The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, surface or subsurface toxic substances, storage or use of chemicals, gas, oil or toxic or flammable liquids, and similar materials or conditions on a premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedure specified in Section 15.08.350 of this Code.

~~k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.~~

#### **L. Inadequate Exits**

~~All~~ Except for those buildings or structures or portions thereof not which have been provided with adequate exit facilities as required by conforming to the provisions of this Code, except for those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration, or addition or any change of occupancy residential and non-residential buildings or structures or portions thereof whose existing facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered Substandard and a Public Nuisance.

~~When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.~~

Notwithstanding compliance with code requirements in effect a the time their construction, residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when the Building Official finds that an unsafe condition exists through an improper location of or length of travel to required exits, or a lack of an adequate number or width of required exits, or when other conditions exist which are dangerous

to human life including, but not limited to, lack of or unapproved or improperly installed or improperly maintained illumination of required exits, directional signage to required exits, door and window release and security devices, and other obstructions to or within the exiting path of travel or emergency escape.

**M. Inadequate Fire-Protection or Firefighting Equipment**

~~All Residential and non-residential buildings or structures or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration, or addition, or any change in occupancy shall be considered Substandard and a Public Nuisance when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or structures or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.~~

**N. Improper Occupancy**

~~All residential and non-residential buildings or structures or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for these occupancies which were not designed or intended to be used or approved for their current occupancies shall be considered Substandard and a Public Nuisance.~~

**O. Lateral Stability (HSC Section 17920.3)**

Inadequate structural resistance to horizontal forces.

**P. Geotechnical Instability**

Subsidence or lateral displacement of real property which is a hazard to buildings, structures, or portions thereof, to adjacent properties, to the public right-of-way, to a public easement, or to publicly maintained infrastructure.

~~However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.~~

**ARTICLE 3. Administrative Amendments**

## **Article XI. Declaration of Public Nuisance - Substandard**

### **Section 15.08.350 General**

#### **A. Commencement of Proceedings**

When the Building Official has inspected or caused to be inspected residential or non-residential buildings or structures or portions thereof and has found and determined that such buildings or structures or portions thereof are Substandard and a Public Nuisance, the Building Official shall commence proceedings to cause the vacation and either the repair and rehabilitation or demolition of the building or structure or portion thereof.

#### **B. Declaration**

The Building Official shall issue a Declaration of Public Nuisance - Substandard directed to the record owner of the property. The Declaration shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
2. A statement that the Building Official has found the building or structure or portion thereof to be Substandard and a Public Nuisance with a brief and concise description of the conditions found to render the building or structure or portion thereof Unsafe under the provisions of Section 15.08.340.A of this Code.
3. A statement of the action required to be taken as determined by the Building Official.
  - a. The Declaration shall require that all required permits be secured therefore and the work either for repair and rehabilitation or for demolition physically be commenced within 30 calendar days from the date of the Declaration and be completed within 60 calendar days from the date of commencement of work, as The Building Official may grant extensions to the permit issuance and completion requirements specified herein as may be reasonable under all of the circumstances
  - b. If the Building Official has determined that the building or structure must be vacated as provided in Section 15.08.380 of this Code, the Declaration shall require that the building or structure shall be vacated within a certain time from the date of the Declaration as determined by the Building Official to be reasonable.
4. Statements advising that if required repair and rehabilitation or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official:

- a. will order the building or structure vacated and posted to prevent further occupancy until the work is completed; and
- b. may proceed to cause the demolition work to be done and charge the costs thereof against the property and the record owner.

5. Statements advising:

- a. that any person having record title in the building or structure may appeal from the Declaration of the Building Official to the Hearing Examiner, provided that the appeal is made in writing as provided in Section 15.08.410 of this Code; and that fees are paid as established in the Master Fee Schedule; and that the appeal is received by the Building Official within 30 14 calendar days from the date of service of such Declaration, or such other time period as provided for herein whenever conditions exist which are Dangerous or an Imminent Hazard as provided in Section 15.08.380 of this Code; and
- b. that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

**C. Method of Service**

The Declaration of Public Nuisance - Substandard, and any amended or supplemental Declaration, shall be served as provided in Section 15.08.110.B of this Code upon the record owner, and one copy thereof shall be served by mailing with regular postage on each of the following if known to the Building Official or disclosed from official public records:

1. the holder of any mortgage of deed of trust or other lien or encumbrance of record; and
2. the owner or holder of any lease of record; and
3. the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.

**Section 15.08.360 Recordation of Declaration**

If compliance is not had with the Declaration of Public Nuisance - Substandard within the time specified therein, and no appeal has been properly and timely received, the Building Official shall file with the Alameda County Clerk-Recorder a certificate describing the property and certifying the following:

1. that the building or structure is Substandard and a Public Nuisance; and
2. that the record owner of the property has been so notified.

Whenever the corrections ordered shall thereafter have been completed or the building or structure demolished so that it not longer exists as Substandard and a Public Nuisance on the property described in the certificate, the Building Official shall file a new certificate with the Alameda County Recorder certifying the building or structure has been demolished or all required corrections have been made so that the building or structure is no longer Substandard and a Public Nuisance, whichever is appropriate.

### **Section 15.08.370 Repair and Rehabilitation or Demolition**

**A. Any building or structure declared Substandard and a Public Nuisance under this Code shall be made to comply with one of the following:**

1. the building or structure shall be repaired and rehabilitated in accordance with the current edition of the Oakland Building Construction Code and other current codes applicable to the type of Substandard conditions requiring repair; or
2. the building or structure shall be demolished.

### **B. Compliance**

1. Application for permits to repair and rehabilitate or demolish a Substandard and Public Nuisance building or structure shall be made within thirty days after recordation of the Declaration with the Alameda County Recorder. All permits must be obtained within thirty days after such recordation, and all work shall be finalized and approved within sixty days after obtaining such permits. Failure to obtain such permits and complete the required work as specified herein shall result in the demolition of the building by the Building Official. The Building Official may grant extensions to the permit issuance and completion requirements specified herein as may be reasonable under all of the circumstances.
2. Conditions of Compliance including, but not limited to, issuance of required permits and Certificate of Occupancy and Report of Permit Record, establishment of performance durations, and payment of all fees, charges, assessments, penalties, liens, accrued interest, residential tenant relocation costs, performance completion security, and performance monitoring deposit shall be required for all such repair and rehabilitation or demolition.

### **Section 15.08.380 Order to Vacate**

#### **A. Vacant Building**

1. A building or structure declared Substandard and a Public Nuisance under this Code which by action of the record owner of the property or by Order of the Building Official has

become unoccupied shall be secured and maintained against entry and shall not be re-occupied for any circumstance until the violations causing the Substandard conditions have been fully corrected and a renewal Certificate of Occupancy has been obtained by the record owner and all fees, costs, penalties, and interest have been paid.

2. The Building Official shall prominently post at or upon each entrance of a building or structure declared Substandard and a Public Nuisance and at such other conspicuous locations on the premises as are deemed necessary, an Order which shall be in substantially the following form:

**City of Oakland**

**DO NOT ENTER**

**UNSAFE TO OCCUPY  
SUBSTANDARD PREMISES**

The premises has been declared a Public Nuisance and shall remain vacant and shall not be entered or re-occupied for any circumstance without prior written approval from the Building Official

**The Owner of Record of this property at the time of this posting is**

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It is a misdemeanor punishable by a fine of \$100 to enter or to occupy this building or to remove or mark this notice without written authorization from the Building Official. Subsequent violations can result in punishment of up to six months in jail and/or fines of up to \$1,000

**B. Dangerous Building or Structure**

Whenever a building or structure declared Substandard and a Public Nuisance under this Code is in such Unsafe condition as to make it dangerous either to life and limb of the occupants or to private or public property or to health or safety of the public, it shall be ordered to be vacated and secured and maintained against unauthorized entry.

**C. Imminent Hazard**

1. Whenever a building, structure, portion thereof, or real property, whether declared Substandard and a Public Nuisance under this Code or otherwise, is in such immediately dangerous condition due to the existence of or to the perilous risk from natural gas explosion, or electrical shock, or chemical toxicity or asphyxiation, or structural collapse, or riparian inundation, or geotechnical instability, or sewage contamination, or potable water cross-contamination, or urban-wildland conflagration, or other immediately

dangerous conditions as determined by the Building Official as to make it a clear and certain endangerment to property, or a manifestly unhealthy or unsafe environment for the public, or an imminent hazard to life and limb of the occupants or City employees in the performance of their official duties, the Building Official may cause the immediate vacation of the premises and all other endangered property similarly in perilous risk and the immediate abatement by the City or its contractors of all immediately dangerous and perilous conditions or defects.

2. Whenever the Building Official will cause the immediate vacation of the premises and all other endangered property similarly in perilous risk or the immediate abatement by the City or its contractors of all dangerous and perilous conditions or defects or both, reasonable measures shall be taken to notify the record owner of the property of the pending abatement actions, including, but not limited to, visual communication by posting of the premises and oral communication by telephone or in person and written communication by personal delivery or telegraph or facsimile, unless circumstances and time do not otherwise warrant and permit.
3. Whenever the Building Official will cause or has caused the immediate vacation of the premises and all other endangered property similarly in perilous risk or the immediate abatement by the City or its contractors of all dangerous and perilous conditions or defects or both, an expedited administrative hearing as provided in Section 15.08.410 of this Code shall be scheduled within two days (excluding weekends and City observed holidays) of receipt by the Building Official of a written appeal and fees as established in the Master Fee Schedule from the record owner of the property.

## **Article XII. Appeal**

### **Section 15.08.410 General**

#### **A. Administrative Hearing**

The record owner may appeal an action under Section 15.08.350 of this Code by filing a written request with the Building Official paying a fee as established in the Master Fee Schedule. A request for an Administrative Hearing shall contain the following information:

1. A brief statement setting forth the legal interest of each of the appellants in the building or structure or the land involved in the Declaration of Public Nuisance - Substandard.
2. A brief statement in ordinary and concise language of that specific action protested, together with any material facts claimed to support the contentions of the appellant.
3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action was a result of error or abuse of discretion by the Building Official and therefore should be reversed, modified, or otherwise set aside.

4. The signatures of all appellants and their requested mailing addresses.
5. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

The written appeal and fees as established in the Master Fee Schedule shall be received by the Building Official within 14 calendar days from the date of the service of the Declaration of Public Nuisance - Substandard, provided, however, that if the building or structure is in such condition as to make it Dangerous or an Imminent Hazard and is ordered vacated in accordance with Section 15.08.380 of this Code, such appeal and fees shall be received by the Building Official within 7 calendar days from the date of the service of the Declaration or Order of the Building Official.

#### **B. Scheduling and Noticing for Hearing**

As soon as practicable after receiving the written appeal and fees, the Building Official shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least 7 days prior to the date of the hearing to each appellant.

#### **15.08.420 Effect of Failure to Appeal**

Failure of any person to file an appeal and pay fees in accordance with the provisions of Sections 15.08.410 of this Code shall constitute a waiver of the right to an administrative hearing and adjudication of the Declaration or Order or to any portion thereof.

#### **Section 15.08.430 Scope of Hearing on Appeal**

Only those matters or issues specifically raised by the appellant's written appeal shall be considered by the Hearing Examiner in the hearing of the appeal.

The Hearing Examiner shall have the power to administer oaths, and may request that the City Clerk issue subpoenas under the seal of the City. Willful failure to appear for testimony in response to any subpoena or to produce at any time under subpoena "duces tecum" shall be punished as an infraction.

#### **Section 15.08.440 Staying of Enforcement**

Except for vacation orders made pursuant to Section 1104 15.08.380 of this Code, enforcement of any Declaration shall be stayed during the pendency of an appeal there from which is properly and timely received by the Building Official.

#### **Section 15.08.450 Effect of Administrative Hearing**

Decisions made and determinations rendered by the Hearing Examiner shall be in all cases final and conclusive.

**Section 15.08.460 Review of Administrative Determination**

The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petition filers seeking judicial review of administrative determination made by the Hearing Examiner; and be it

**FURTHER ORDAINED:** That this Ordinance shall become effective on and after January 1, 2011; and be it

**FURTHER ORDAINED:** That the Building Official of the City of Oakland is hereby directed to file a copy of this Ordinance, along with a copy of the Resolution of findings supporting the adoption of local amendments to the 2010 edition of the California State Housing Law, with the California Building Standards Commission.

**IN COUNCIL, OAKLAND, CALIFORNIA,** NOV 9 2010, 2010

PASSED BY THE FOLLOWING VOTE:

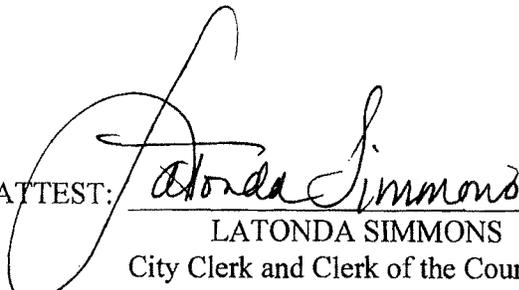
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and  
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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

Introduction Date **OCT 19 2010**

INTRODUCED BY

COUNCILMEMBER

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND  
2010 DEC 23 PM 2:00

APPROVED FOR FORM AND LEGALITY

DEPUTY CITY ATTORNEY

**OAKLAND CITY COUNCIL**

**Resolution No. 83032 C.M.S.**

**RESOLUTION OF FINDINGS MADE AND SUPPORTING LOCAL AMENDMENTS TO THE 2010 EDITIONS OF THE CALIFORNIA MODEL BUILDING CODES, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 2 (BUILDING), PART 2.5 (RESIDENTIAL), PART 3 (ELECTRICAL), PART 4 (MECHANICAL), PART 5 (PLUMBING), PART 6 (ENERGY), AND PART 11 (GREEN BUILDING STANDARDS)**

**WHEREAS**, pursuant to California Health and Safety Code Sections 18938(b) and 18941.5, the 2010 editions of the California Model Building Codes, California Code of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), and Part 11 (Green Building Standards) shall become effective on January 1, 2011; and

**WHEREAS**, said editions of the California Model Building Codes are derived from the regulations set forth in the 2009 editions of the International Building Code (published by the International Code Council), International Residential Building Code (published by the International Code Council), International Mechanical Code (published by the International Code Council), International Plumbing Code (published by the International Association of Plumbing and Mechanical Officials), and the National Electrical Code (published by the National Fire Protection Association); and

**WHEREAS**, said editions of the California Model Building Codes shall be the governing codes 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 editions of the California Model Building Codes 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 Model Building Codes; and

**WHEREAS**, the Council of the City of Oakland has considered the adoption of such an ordinance amending said editions of the California Model Building Codes; and

**WHEREAS**, said ordinance will establish said editions of the California Model Building Codes with said local amendments as the governing codes for the City of Oakland and will entitle said governing code as the Oakland Building Construction Code in Chapter 15.04 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 California Model Building Codes, California Code of Regulations (CCR), Title 24, Part 2 (Building), 3 (Electrical), 4 (Mechanical), and 5 (Plumbing) and amending Chapter 15.04 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 Model Building Codes, as set forth in said edition of the Oakland Building Construction Code, impose local requirements which exceed uniform industry codes and current California Model Building Codes requirements; and be it

**FURTHER RESOLVED:** That the Council of the City of Oakland finds that such local amendments of the California Model Building Codes are necessary as result of unique local conditions:

**I. California Building Code - Appendix Chapters 3B, 3C, and 3D - Requirements For Joint Living And Work Quarters**

These added appendix chapters establish alternative requirements for construction of Joint Living and Work Quarters (pursuant to Health and Safety Code Section 17958.11) and Conversion Residence Quarters. These changes are needed and necessary and reasonable due in part to the following local conditions:

- The level topography and the alluvial soil geology, which have resulted in wide and straight streets, intersections, sidewalks, and alleyways, have contributed to enhanced emergency response time to the existing building stock for fire rescue; and the maintained and upgraded water supply facilities in the urban core area, which have resulted in abundant fire hydrant locations and water pressure, have contributed to enhanced assets for fire suppression.

- The moderated micro-climate and prevailing winds, which is due to proximity to the marine estuary of the urban core area, have contributed significantly to reduced comfort heating and cooling requirements for residential occupancies.
- The alluvial soil geology and low water table levels, which have resulted in extensive prior basement construction and stiffened foundation support for the existing building stock in the urban core area, have contributed to a reduced likelihood of life-threatening seismic-induced building collapse due to sympathetic vibratory response of a flexible structural system.
- Abundant annual days of sunshine, which have resulted in prior location of occupied spaces along building perimeters and separated and away from stairwells and emergency exits and other points of congestion in panic egress situations for the existing building stock in the urban core area, have contributed to ready accessibility into the exiting system by occupants and emergency response personnel.

## II. California Building Code - Appendix Chapter 7B - Special Requirements For Construction In The Very High Fire Hazard Severity Zone

This added appendix chapter establishes special requirements for construction in the Very High Fire Hazard Zone. These changes are needed and are necessary and reasonable due to the following local conditions:

- The area is physically isolated from the rest of the City and is characterized by heavily landscaped areas, natural wilderness, and open space, which results in extremely dry vegetation with a high fuel load for potential wildfire conflagrations annually from May through October.
- The topography is hilly and the geology is rocky and subject to land subsidence due to poor soil quality and water saturation, which dictates minimum excavation of hillsides and resulting narrow and winding streets. Emergency response time and access is adversely impacted.
- Electrical transmission facilities are necessarily above ground and subject to damage from land instability, seismic activity, prevailing winds, and natural vegetation fire hazards, which results in power failures supplying water pumping stations.
- Sanitary sewer facilities are necessarily close to the ground surface and subject to similar damage, which results in vermin and other vector population explosions.

## III. California Building Code - Appendix Chapter 16B - Private Driveway Access Bridges

These changes clarify design loads for engineered structures in the Oakland hills. These changes are needed, necessary, and reasonable due to the inherently steep and circuitous topography, the rocky geology, and the risk of land subsidence due to poor soil quality and water saturation which dictates minimum excavation of hillsides.

#### **IV. California Building Code - Appendix Chapter 18B – Grading, Excavations, And Fills**

This added appendix chapter establishes alternative requirements for grading construction in the Oakland hills and is equivalent in purpose, scope, and application to Appendix Chapter J. These changes are needed, necessary, and reasonable due to the inherently steep and circuitous topography, unstable in situ soil geology, preponderance of seismic hazard zones (landslides) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

#### **V. California Building Code - Chapter 4 - Special Detailed Requirements Based Upon Use And Occupancy**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault.

#### **VI. California Building Code - Chapter 6 - Types Of Construction**

These changes establish added fire and panic design parameters for high-rise buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following major building fires in jurisdictions in California and Nevada. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered buildings in the downtown core area, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey along transportation corridors, and the proximity of the Hayward earthquake fault that reduces the ability of adjoining jurisdictions to provide timely mutual response for building conflagrations.

#### **VII. California Building Code - Chapter 7 - Fire Resistance And Fire Rated Construction**

These changes establish added fire and panic design parameters for high-rise buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following major building fires in jurisdictions in California and Nevada.

These changes are needed, necessary, and reasonable due to the high number of non-sprinklered buildings in the downtown core area, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey along transportation corridors, and the proximity of the Hayward earthquake fault that reduces the ability of adjoining jurisdictions to provide timely mutual response for building conflagrations.

#### **VIII. California Building Code - Chapter 10 - Means Of Egress**

These changes establish added fire and panic design parameters for high-rise buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following major building fires in jurisdictions in California and Nevada. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered buildings in the downtown core area, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey along transportation corridors, and the proximity of the Hayward earthquake fault that reduces the ability of adjoining jurisdictions to provide timely mutual response for building conflagrations.

#### **IX. California Building Code - Chapter 12 - Interior Environment**

These changes establish added habitability design parameters for high-rise buildings by retaining passive ventilation construction elements from the 2001 edition of the California Building Code. These changes are needed, necessary, and reasonable due to the moderated micro-climate and prevailing winds due to proximity to the marine estuary of the urban core area which contribute significantly to reduced comfort heating and cooling requirements for residential occupancies.

#### **X. California Building Code - Chapter 15 - Roof Assemblies And Roof Top Structures**

These changes clarify fire design parameters for residential structures in the Very High Fire Hazard Severity Zone. The purpose, scope, and application of these changes were derived from forensic inspections following the 1991 Oakland Fire Storm. These changes are needed, necessary, and reasonable due to the local conditions as set forth in Section II above.

#### **XI. California Building Code - Chapter 16 - Structural Design**

These changes clarify design loads for engineered structures. The purpose, scope, and application of these changes were derived from forensic inspections following the 1989 Loma Prieta earthquake. These changes are needed, necessary, and reasonable due to the inherently unstable in situ soil geology throughout Oakland, the high non-seasonal ground water (phreatic) surface, the preponderance of seismic hazard zones (landslide and liquefaction) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

**XII. California Building Code - Chapter 18 - Soils And Foundations**

These changes establish minimum prescriptive construction requirements for non-engineered foundations supporting residential occupancies. The purpose, scope, and application of these changes were derived from forensic inspections following the 1989 Loma Prieta earthquake. These changes are needed, necessary, and reasonable due to the inherently unstable in situ soil geology throughout Oakland, the high non-seasonal ground water (phreatic) surface, the preponderance of seismic hazard zones (landslide and liquefaction) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

**XIII. California Building Code - Chapter 19 - Concrete**

These changes establish minimum prescriptive construction requirements for non-engineered foundations supporting residential occupancies. The purpose, scope, and application of these changes were derived from forensic inspections following the 1989 Loma Prieta earthquake. These changes are needed, necessary, and reasonable due to the inherently unstable in situ soil geology throughout Oakland, the high non-seasonal ground water (phreatic) surface, the preponderance of seismic hazard zones (landslide and liquefaction) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

**XIV. California Building Code - Chapter 23 - Wood**

These changes establish minimum prescriptive construction requirements for non-engineered foundations supporting residential occupancies. The purpose, scope, and application of these changes were derived from forensic inspections following the 1989 Loma Prieta earthquake. These changes are needed, necessary, and reasonable due to the inherently unstable in situ soil geology throughout Oakland, the high non-seasonal ground water (phreatic) surface, the preponderance of seismic hazard zones (landslide and liquefaction) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

**XV. California Building Code - Chapter 24 - Glass And Glazing**

These changes establish minimum prescriptive construction requirements for non-engineered foundations supporting residential occupancies. The purpose, scope, and application of these changes were derived from forensic inspections following the 1989 Loma Prieta earthquake. These changes are needed, necessary, and reasonable due to the inherently unstable in situ soil geology throughout Oakland, the high non-seasonal ground water (phreatic) surface, the preponderance of seismic hazard zones (landslide and liquefaction) as identified by the California Geological Survey, and proximity of the Hayward earthquake fault.

**XVI. California Electrical Code - Chapters 2 - Wiring And Protection, 3 – Wiring Methods And Materials, 4 – Equipment For General Use, 6 – Special Equipment, 7 – Special Conditions**

This added section establishes supplemental regulations setting forth special requirements for ministerial electrical permits for construction in the Very High Fire Hazard Severity Zone. These changes are needed and are necessary and reasonable due to the following local conditions:

- The area is physically isolated from the rest of the City and is characterized by heavily landscaped areas, natural wilderness, and open space which have extremely dry vegetation with a high fuel load for potential wildfire conflagrations annually from May through October.
- The topography is hilly and the geology is rocky and subject to land subsidence due to poor soil quality and water saturation, which dictates minimum excavation of hillsides and resulting narrow and winding streets. Emergency response time and access is adversely impacted.
- Electrical transmission facilities are necessarily above ground and subject to damage from land instability, seismic activity, and prevailing winds and resulting power failures supplying water pumping stations or natural vegetation fire hazards.

**XVII. California Mechanical Code - Chapter 5 - Exhaust Systems**

These changes establish added fire design parameters for residential buildings and commercial restaurant occupancies by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault.

**XVIII. California Mechanical Code - Chapter 8 - Chimneys And Vaults**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault.

**IXX. California Plumbing Code - Chapter 5 - Water Heaters**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault.

**XX. California Plumbing Code - Chapter 7 - Sanitary Drainage**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault, and the inadequacy of hillside geology to adequately dissipate and absorb effluent from septic system leach fields.

**XXI. California Plumbing Code - Chapter 9 - Vents**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault, and the inadequacy of hillside geology to adequately dissipate and absorb effluent from septic system leach fields.

**XXII. California Plumbing Code - Chapter 10 - Traps And Interceptors**

These changes establish added fire design parameters for commercial restaurant occupancies buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault.

**XXIII. California Plumbing Code - Chapter 12 - Fuel Piping**

These changes establish added fire design parameters for residential and non-residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault; and be it

#### **XXIV. California Residential Code**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault, and the inadequacy of hillside geology to adequately dissipate and absorb effluent from septic system leach fields.

#### **XXV. California Energy Code**

These changes establish added fire design parameters for residential buildings by retaining passive life-safety construction elements from the 2001 edition of the California Building Code. The purpose, scope, and application of these changes were derived from forensic inspections following structure fires in California and Oakland. These changes are needed, necessary, and reasonable due to the high number of non-sprinklered residences in Oakland, the preponderance of seismic hazard zones (liquefaction) as identified by the California Geological Survey, and the proximity of the Hayward earthquake fault, and the inadequacy of hillside geology to adequately dissipate and absorb effluent from septic system leach fields.

#### **XXIV. California Green Building Standards Code**

These changes were previously reviewed with comments and approved by the California Energy Standards Commission on September 33, 2010, and establish by an ordinance, adopted by the Council of the City of Oakland on October 19, 2010, and included in the Oakland Municipal Code, Title 18 – Sustainability, Chapter 18.02 – Sustainable Green Building Requirement For Private Development To Establish Environmentally Sustainable Regulations For Building Construction, Remodeling, Landscaping, And Demolition, and.

**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 editions of the California Model Building Codes, 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

INTRODUCED BY

COUNCILMEMBER

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 DEC 23 PM 2:07

APPROVED FOR FORM AND LEGALITY

DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

Ordinance No. 13047 C.M.S.

**ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE 2010 EDITIONS OF THE CALIFORNIA MODEL BUILDING CODES, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 2 (BUILDING), PART 2.5 (RESIDENTIAL), PART 3 (ELECTRICAL), 4 (MECHANICAL), AND 5 (PLUMBING), PART 6 (ENERGY), AND PART 11 (GREEN BUILDING), AND AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.04**

**WHEREAS**, the Council of the City of Oakland does hereby find that there is a need to enforce the most current editions of the California Model Building Codes, with local amendments thereof, as recited herein for regulating and controlling the design, erection, construction, enlargement, installation, alteration, repair, relocation, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical, and fire suppression systems and certain equipment within the corporate boundaries of the City of Oakland; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that there is a need to provide for the issuance of permits and the collection of fees there for and for penalties for the violation thereof, and for superseding other ordinances, in part or in whole, which are in conflict therewith; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the adoption of local amendments of the California Model Building Codes which provide for certain changes, supplements, and deletions thereof as recited herein will satisfy these needs by providing for minimum standards to safeguard life and limb, property, and public welfare; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the adoption of local amendments of the California Model Building Code are reasonably necessary because of local topographic, climatic, and geologic conditions; and

**WHEREAS**, the Council of the City of Oakland further 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 California Model Building Codes,

California Code of Regulations (CCR), Title 24, Parts 2, 2.5, 3, 4, 5, 6, and 11, and amending the Oakland Municipal Code Chapter 15.04 are exempt from the provisions of the California Environmental Quality Act; and

**WHEREAS**, the Council of the City of Oakland further hereby finds that the California Model Building Codes, with local amendments thereof, as recited herein shall be the governing codes for the City of Oakland; and

**WHEREAS**, the editions of the California Model Building Codes as recited herein under are the most current in publication:

- California Building Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 2;
- California Residential Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 2.5;
- California Electrical Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 3;
- California Mechanical Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 4;
- California Plumbing Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 5; now, therefore,
- California Energy Code, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 6;
- California Green Building Standards, 2010 Edition, California Code of Regulations (CCR), Title 24, Part 11;

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

**SECTION 1 - Ordinances Repealed**

City of Oakland Ordinance No. 12851 C.M.S. (Oakland Amendments To The 2007 California Model Building Codes) and all amendments thereof that conflict within or between or among the provisions of this Code are hereby repealed.

**SECTION 2 - Oakland Municipal Code Adoptions**

The following Articles, Parts, and Sections of the Oakland Municipal Code, Chapter 15.04, are hereby adopted:

- Article I - Sections 15.04.010 through 15.04.080, inclusive  
General Administrative Amendments
- Article II - Part 1 - Sections 15.04.100 through 15.04.158, inclusive  
Administrative Amendments To The California Building Code

- Article II - Part 2 - Sections 15.04.200 through 15.04.285 inclusive  
Administrative Amendments To The California Electrical Code
- Article II - Part 3 - Sections 15.04.300 through 15.04.345, inclusive  
Administrative Amendments To The California Mechanical Code
- Article II - Part 4 - Sections 15.04.400 through 15.04.425, inclusive  
Administrative Amendments To The California Plumbing Code
- Article II - Part 5 - Sections 15.04.500 through 15.04.540, inclusive  
Administrative Amendments To The Uniform Swimming Pool, Spa, And  
Hot Tub Code
- Article II - Part 6 - Section 15.04.570, Administrative Amendments To The California  
Residential Code
- Article II - Part 7 - Section 15.04.580, Administrative Amendments To The California  
Energy Code
- Article II - Part 8 - Section 15.04.590, Administrative Amendments To The California  
Green Building Standards Code
- Article III - Part 1 - Sections 15.04.600 through 15.04.697, inclusive  
Non-Administrative Amendments To The California Building Code
- Article III - Part 2 - Sections 15.04.700 through 15.04.775, inclusive  
Non-Administrative Amendments To The California Electrical Code
- Article III - Part 3 - Sections 15.04.800 through 15.04.830, inclusive  
Non-Administrative Amendments To The California Mechanical Code
- Article III - Part 4 - Sections 15.04.900 through 15.04.990, inclusive  
Non-Administrative Amendments To The California Plumbing Code
- Article III - Part 6 - Sections 15.04.1010 through 15.04.1185, inclusive  
Non-Administrative Amendments To The California Residential Code
- Article III - Part 7 - Section 15.04.1200 - Non-Administrative Amendments To The  
California Green Building Standards Code.

### **SECTION 3 - Amendments**

#### **Article I**

#### **General Administrative Amendments**

#### **15.04.005 Title**

This chapter of the Oakland Municipal Code shall be known as the “Oakland Amendments Of The Current Editions Of The California Building Standards Codes, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), and Part 11 (Green Building Standards)”, may be cited as such, and will be referred to herein as “this chapter,” “this Code,” or the “Oakland Building Construction Code”.

#### **15.04.010 Scope**

Where any section of a model code recited herein is amended by this chapter, all provisions of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto. Where provisions set forth herein conflict with the provisions of Title 24 of the California Code of Regulations. Parts 2, 2.5, 3, 4, 5, 6, and 11, the enforcement of which by local jurisdictions is provided for in the Matrix Adoption Appendix, the provisions of the California Amendments shall prevail and control.

#### **15.04.015 General Standards**

##### **A. Hazards**

All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapet walls, cornices, spires, towers, tanks, statuary, signage, structural members, appendages, and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained and of sufficient size and so protected as to reduce and minimize all egress, fire, safety, and health hazards.

##### **B. Quality**

The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly, and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design and construction of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation, and construction. Testing, listing, and affixed labeling shall be prima facie evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

##### **C. Compliance**

Failure to comply with any of the provisions of this Code, including failure to provide, obtain or maintain valid permits, certifications, tests, listings, affixed labeling, inspection approvals, or other conditions of permit; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for egress or fire protection or health due to inadequate maintenance, excess

loading, dilapidation, or abandonment shall be and is declared to be prima facie evidence of an existing and continuing hazard to life or limb, property or public welfare.

#### **15.04.020 Effect Of Adoption And Repeals**

##### **A. Other Codes And Ordinances**

Unless expressly stated herein, this chapter is not intended to amend, repeal, or supersede provisions of any other codes, regulations or ordinances, including, but not limited to, the demolition ordinance, earthquake damage abatement ordinance, dangerous building ordinance, creek protection ordinance, foreclosed and vacant residential building ordinance, Planning Code, Building Maintenance Code, or Fire Code.

##### **B. Conflict**

In any specific section or case where there is a conflict within or between or among provisions, the most restrictive that prescribes and establishes the higher standard of safety or public benefit shall prevail and control and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

##### **C. Validity**

Neither the adoption of this Code nor the repeal by the ordinance codified in this chapter of any city ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violations hereof.

Provided further, neither the adoption of this Code nor the repeal by the ordinance codified in this chapter of any City ordinance shall in any manner affect the validity of an interlocutory or final action heretofore taken by the Hearing Examiner, or the validity of any such action to be taken upon matters pending before the Hearing Examiner at the time of the adoption of the ordinance codified in this chapter, and that the provisions of this Code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatement and continuation thereof, and not as new enactment.

#### **15.04.025 Appeal**

##### **A. General**

In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the non-administrative (technical) requirements of this Code, the property owner may request an administrative hearing with a Hearing Examiner. The request shall be filed in writing with the Building Official and shall be

accompanied with a fee as established in the Master Fee Schedule. The request for an administrative hearing shall contain the following information:

1. A brief statement setting forth the legal interest of the party or parties in the real property identified in the order, decision or determination made by the Building Official; and
2. A brief statement in ordinary and concise language of that (those) specific order(s), decision(s) or determination(s) protested; and
3. A brief statement in ordinary and concise language contending that issuance of the order, decision or determination was a result of error or abuse of discretion together with any material facts claimed to support such contention; and
4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified, or otherwise set aside; and
5. The signature of the property owner, and his or her mailing address; and
6. The verification (by declaration under penalty of perjury) of at least one person requesting a hearing as to the truth of the matters stated in the request for hearing; and

The written request for an administrative hearing with the accompanying fee shall be received by the Building Official within fourteen (14) calendar days from the date of the service of such order, decision or determination of the Building Official.

### **B. Scheduling And Noticing**

As soon as practicable after receiving the request for administrative hearing, the Building Official shall fix a date, time and place for the administrative hearing. Written notice of the time and place of the hearing shall be given to the appellant at least seven (7) calendar days prior to the date of the hearing.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

### **C. Scope Of Hearing**

Only those technical matters or issues specifically raised by the appellant in the Request for Administrative Hearing shall be considered in the administrative hearing.

### **D. Hearing Examiner**

The Hearing Examiner shall not be an employee of the City of Oakland and shall be qualified by experience and training to pass on building construction and other matters pertaining to this Code.

#### **E. Limitations of Authority**

The Hearing Examiner shall have no authority relative to interpretations of the administrative provisions of this Code and shall not be empowered to waive or otherwise set aside the non-administrative (technical) requirements of this Code.

#### **F. Effect Of Hearing**

Decisions of the Hearing Examiner in all instances shall be final and conclusive.

#### **G. Review Of Administrative Determination**

The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative determinations made by the Building Official or the Hearing Examiner.

### **15.04.030 Violations**

#### **A. Scope**

It is unlawful for any person, group of persons, firm, partnership, company, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or plumbing, mechanical, or electrical system, component, or equipment in the City or cause the same to be done contrary to or in violation of any of the provisions of this Code or other relevant ordinance, rule, or regulation.

#### **B. Remuneration**

In addition to the penalties provided by law, a violator shall be liable for such costs, expenses, disbursements, and attorneys' fees paid or incurred by the City or any of its officials, officers, representatives, employees, agents, volunteers, vendors, or third-party contractors in the correction, abatement and prosecution of the violation.

Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule of the City of Oakland and may be recovered by all appropriate legal means, including but not limited to nuisance abatement lien, prospective lien and special assessment of the general tax levy, priority lien and special assessment of the general tax levy, or civil and small claims court action brought by the City of Oakland, and combinations of such actions.

The City may recover from the property owner all costs incurred for processing and recording of such liens and special assessments authorized by this Code and for providing notice to the property owner as part of its foreclosure action or for other actions to enforce such liens and special assessments and to recover costs incurred, including attorneys' fees.

Said procedures shall be as established in section 15.08.130 of the Oakland Municipal Code.

#### **15.04.035 Application For Permit**

Every permit and application for a permit shall contain the information required by California Health and Safety Code, Division 13, Part 3, Chapter 9, Section 19825.

##### **A. Agreement**

Every permit shall also contain an agreement as follows which shall be executed by the permit holder as a condition of issuance:

“I hereby agree to save, defend, indemnify and keep harmless the City of Oakland and its officials, officers, employees, representatives, agents, and volunteers from all actions, claims, demands, litigation, or proceedings, including those for attorneys’ fees, against the City in consequence of the granting of this permit or from the use or occupancy of the public right-of-way, public easement, or any sidewalk, street or sub-sidewalk or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted I further certify that I am the owner of the property involved in this permit or that I am fully authorized by the owner to access the property and perform the work authorized by this permit.”

##### **B. Contact Information**

In addition to the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825 for architects and engineers, every permit shall contain the telephone numbers for any such persons, firms or designers responsible for the work proposed under the permit or application.

##### **C. Electronic Submittals**

In the case of electronic submittals, signatures shall be provided as required and allowed by current California law.

##### **D. Peer Review**

A peer review may be required by law or other regulation. A peer review may also be required by the Building Official for the design of any element for a project requiring a permit that is based on a design methodology which is not addressed within this Code or that requires review by a registered design professional not employed by the City. The peer review shall be performed in a form and manner as directed by the Building Official. When a peer review is required, the applicant shall bear all costs associated with the peer review.

##### **E. Dust Control**

A statement that dust will not be generated by the work under the permit shall be placed on the permit application, if applicable. If dust will be generated by the work under the permit, then dust control measures will be required. Dust control measures shall be based on “Best

Management Practices” as developed by the City Engineer or any other appropriate reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming, sweeping or other means as necessary. A Dust Control Plan may be required as a condition of permit issuance or at other times as necessary to assure compliance with this section.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

#### **F. Expiration Or Extension Of Permit Application**

Every permit application shall expire by limitation and become null and void whenever the proposed work authorized by such permit does not receive approval for issuance or the applicant does not obtain such permit within one-hundred eighty (180) calendar days following the filing date of such permit application.

The Building Official may extend the total time for the applicant to obtain such approval or such permit for not more than one (1) additional period of one-hundred eighty (180) calendar days (one year total time) upon payment of fees prescribed in the Master Fee Schedule and submittal before said expiration of a written request by the applicant demonstrating that circumstances beyond the applicant's control have prevented approval of or obtaining of such permit. In order to renew action on an expired permit application, the applicant shall file a new permit application, submit new plans, calculations, and required documents, and pay new fees as prescribed in the Master Fee Schedule

#### **15.04.040 Information On Submittals**

##### **A. Required**

When the Building Official determines that plans, diagrams, specifications, calculations, computations, reports, and other relevant data are necessary, the documents shall be submitted with the permit application for review and shall detail clearly the nature and extent of the work proposed and how it will conform to the provisions of this Code and all other relevant laws, ordinances, rules and regulations. All documents submitted for review shall identify the building number or County Assessor's parcel number and the street name of the work and the names and addresses of the property owner and person or firm who prepared them. All conditions of approval pursuant to the Planning Code shall be shown on the plans or otherwise submitted with the permit application.

##### **B. Content**

Unless otherwise approved by the Building Official, plans shall be drawn to a minimum scale of one-fourth inch to one foot upon substantial paper or polyester based film (mylar) and shall include a floor plan and a plot plan containing the following information as a minimum:

1. Location and perimeter dimensions of the proposed and existing buildings or additions and other pertinent structures, including orthogonal measurements from property lines and between structures and elevations of finished grade, floors, and slabs; and
2. Proposed and existing site improvements, including drainage facilities, utilities, public and private easements, grading, and paving; and
3. Proposed and existing off-street parking and loading facilities, including parking stall size, angle of parking aisle width, interior circulation, and driveway elevations and proposed gradients; and
4. Location and perimeter dimensions of ground level usable open space as required by the Planning Code; and
5. Location and size of existing and proposed trees and other landscaping and screening as required by City tree ordinances and regulations and other land use provisions; and
6. Addresses of contiguous properties; and
7. Locations, types, and dimensions of foundations, framing, windows, doors, finishes, adjoining rooms and uses, fire assemblies and dampers, fixtures, appliances, equipment, and distribution systems to the extent necessary for verification of compliance with all applicable regulations.

#### **C. Specifications**

In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of this Code or other laws, ordinances, rules, or regulations.

#### **D. Supplemental Documents**

Calculations, testing reports, certifications, computations, conditions of approval, conditions of compliance and other data sufficient to demonstrate the correctness of the plans shall be submitted with the permit application and when otherwise required by the Building Official.

#### **E. Drawings**

Plans shall detail clearly how required structural and fire-resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing, fire extinguishing, or communications conduits, pipes, ducts, vents, supports and similar components or systems.

#### **F. Dust Control Measures**

A statement that dust will not be generated by the work under the permit shall be placed on the plans, if applicable. If dust will be generated by the work under the permit, then dust control measures shall be required and indicated on the plans. Dust control measures shall be based on "Best Management Practices" as developed by the City Engineer or other reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming, sweeping or other means as necessary.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

#### **15.04.045 Signing And Sealing Of Plans And Other Submittal Documents**

##### **A. General**

Plans and other submittal documents when submitted with a permit application shall be certified pursuant to this section. If any requirement of this section is contrary to state law, the state law shall govern.

##### **B. Nonprofessional**

Plans or other submittal documents not required to be prepared by a registered design professional shall be signed by the preparer with the index sheet "wet" signed by the preparer. Name, address, telephone and facsimile number of preparer shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be "wet" signed with at least one copy indicating preparer's name, etc. If a professional has prepared the calculations or a report that requires incorporation into the plans, the professional should appropriately sign the portion of the nonprofessionally prepared plans where the work for which he or she is responsible for has been shown and incorporated into the plans.

##### **C. Registered Design Professional**

Plans and other submittal documents prepared by a registered design professional (architect, civil engineer, structural engineer, mechanical engineer, electrical engineer, landscape architect, etc.) shall be signed and sealed by the professional with the index sheet "wet" signed and sealed by the professional. Name, address, telephone and facsimile number of the professional shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be "wet" signed and sealed with at least one copy indicating professional's name, etc.

If the professional is responsible for only a portion of the plan sheet (such as only for certain structural items of a building), then appropriate notes on the sheet(s) shall indicate the extent of

responsibility with signatures as above. Alternatively, the professional preparing the plans may note on the plans a reference to the calculations or reports prepared by other professionals that were used in preparing the plans.

#### **D. Reports Prepared By A Registered Design Professional**

Reports should have an appropriate page where “wet” seals and signatures of persons responsible for the report are displayed.

#### **E. Calculations Prepared By A Registered Design Professional**

Calculations should have an index sheet where the “wet” seal and signature of person responsible for the calculations are displayed. If there is no index sheet then all the calculation sheets require a “wet” seal and signature. If the plans for which the calculations were prepared are appropriately signed by a different professional then the plan sheets do not require the additional signature of the professional preparing the calculations. If the plans were prepared by a nonprofessional, then the plan sheets where items for which calculations were prepared should be appropriately signed by the person preparing the calculations. The professional signing the plans may note on the plans that his or her responsibility is only for the items for which he or she prepared the calculations.

#### **F. Title 24 Energy Compliance Forms**

Title 24 Energy Compliance Forms shall be shown on the plans and shall be “wet” signed by the appropriate parties.

#### **G. Signatures On Survey And Plot Plan**

Four (4) copies shall be submitted of required boundary and topographic surveys and plot plans. The copies shall be appropriately signed with at least two copies having “wet” signatures and seals. Statements shall also be “wet” signed. The remaining copies shall be signed.

#### **H. Signatures And Seals On Revisions**

Signatures and seals on revisions to drawings submitted after permit issuance for revision plan check shall be as required for new submittals. If a revised index sheet with “wet” seal and signature is not submitted then all of the revised plan sheets submitted shall be “wet” signed and, if appropriate, sealed as required.

#### **I. Corrections During Plan Check**

Signatures and seals on revisions or corrections submitted during the plan check shall be as required for new submittals. If the appropriate signatory is not available to provide a “wet” seal and signature in person, a letter with seal and signature indicated thereon from the signatory and indicating revised or corrected drawings submitted may be by facsimile to the City and will be acceptable in order to issue permit (the original letter should be immediately mailed to the

attention of the plan checker). The preparer shall provide “wet” seal and signature as soon as possible but prior to approval of a first inspection and a hold on final inspection shall be indicated until appropriate “wet” seal and signed plans are presented to the City of Oakland.

#### **15.04.050 Persons Who May Prepare Plans**

##### **A. Definitions**

See Section 15.04.085 of this chapter for definitions pertinent to this section.

##### **B. Limitations of Nonprofessional Designer**

The following limitations apply to persons preparing plans and other documents for submittal with an application for building permit:

1. Persons not holding a valid and active engineering or architecture license issued by the State of California may design single-family dwellings and multiple residential buildings containing no more than four dwelling units and with no more than four dwelling units on any single lot. The buildings are limited to conventional wood framed construction with no more than two stories and basement in height. The structure of basement foundations, retaining walls more than four feet high from base of footing to top of wall or with surcharge loads due to vehicles or embankment on top, and/or other unconventional foundation system for these dwellings requires a registered design professional to provide a structural design and structural calculations.
2. Garages or other appurtenant structures, agricultural and ranch buildings of wood framed construction not more than two stories and basement in height.
3. Subject to Building Official’s approval, tenant improvements which do not constitute a change of occupancy, and do not affect the safety of any building or its occupants, including but not limited to exiting, fire-resistive construction, structural or seismic elements.

#### **15.04.055 Expiration Or Extension Of Issued Permit**

Every issued permit shall expire by limitation and become null and void whenever the building or work authorized by such permit does not receive an approval of a major inspection, as further identified in Section 15.04.185 of this Chapter, within one-hundred eighty (180) calendar days following the issuance date of such permit or following the approval date of a previous major inspection or does not receive successive approvals within the time constraints identified in the conditions of compliance for the abatement of violations of this Code and other codes and ordinances requiring permits for corrective work.

The Building Official may extend the total time for the applicant to commence construction (but not re-start work once construction has commenced) for such permit for not more than one (1) additional period of one-hundred eighty (180) calendar days (one year total time) upon payment of fees prescribed in the Master Fee Schedule and submittal before expiration of a written request by the applicant demonstrating that circumstances beyond the applicant's control have

prevented approval or issuance of such permit. In order to renew action on an expired permit, the applicant shall file a new permit application, submit new plans, calculations, and required documents, and pay new fees as prescribed in the Master Fee Schedule

#### **15.04.060 Suspension Or Revocation Of Issued Permit**

The Building Official may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect or incomplete information supplied or in violation of any law, ordinance, rule, or regulation or any of the provisions of this chapter, including failure to pay fees, or the building or site becomes or continues to be, a public nuisance as declared by the Building Official, or conditions at the site or in the building become or continue to be in violation of the provisions of this chapter, any related City of Oakland code or ordinance or any condition of the permit issued hereunder.

#### **15.04.065 Fees**

##### **A. General**

Permit, plan review, processing, investigation, abatement and other relevant fees shall be established and assessed in accordance with the Master Fee Schedule and paid to the City of Oakland at time of submittal of the permit application for review or at other times as provided herein. Unpaid fees for work performed may be recovered in the manner prescribed in section 15.04.030.B of this Code.

##### **B. Additional**

Whenever plans, calculations, computations, reports, or other required data are incomplete or changed so as to require additional review and/or processing; or whenever valuation of work has changed or has been re-evaluated based upon inspection, additional fees as established in accordance with the master fee schedule ordinance shall be assessed.

##### **C. Refunds**

1. The Building Official may authorize the refunding of fees erroneously assessed and paid.
2. The Building Official may authorize the refunding of not more than eighty percent (80%) of fees validly assessed and paid when no work by the City has been done either under a permit application or an issued permit. Fees designated as non-refundable shall not be refunded. Fees validly assessed and paid shall not be refunded more than one-hundred eighty (180) days after expiration of a permit application or an issued permit.
3. All requests for refunds shall be submitted on a City of Oakland form and shall be accompanied by the original receipt of payment.

#### **15.04.070 Sanitary Accommodations For Construction Workers**

Every person or firm constructing or repairing any building, structure, or infrastructure on private property or public right-of-way shall provide and maintain toilet facilities for employees and other workers as follows:

A. Prior to issuance of the permit, the permit applicant shall submit evidence for approval that temporary or permanent toilet facilities are provided at or adjacent to the work site.

B. The location of temporary toilet facilities shall be approved by the Building Official. Toilet facilities shall be maintained in accordance with the Alameda County Department of Environmental Health requirements for sanitation and vector control.

C. Where work is performed in the public right-of-way, temporary toilet facilities may access a manhole directly serving a publicly maintained sewer nearest said work. Such facility shall not obstruct traffic and shall be removed immediately upon completion of said work.

#### **15.04.075 Definitions**

##### **A. ADMINISTRATIVE AUTHORITY**

Wherever reference is made in this Code to “Administrative Authority,” it shall mean the Building Official, except as it relates to the regulations concerning private sewage disposal systems, where it shall mean the Alameda County Health Officer.

##### **B. BUILDING DEPARTMENT**

Wherever reference is made in this Code to “Building Department,” it shall mean the Building Services Division of the Community and Economic Development Agency, and its successor in title.

##### **C. BUILDING OFFICIAL**

Wherever reference is made in this Code to “Building Official,” it shall mean the Deputy Director, Community and Economic Development Agency, and his or her successor in title, or his or her designated representative.

##### **D. CALIFORNIA BUILDING CODE**

The International Building Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

##### **E. CALIFORNIA ELECTRIC CODE**

The National Electric Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title

24, Part 3; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **F. CALIFORNIA MECHANICAL CODE**

The International Mechanical Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 4; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **G. CALIFORNIA PLUMBING CODE**

The International Plumbing Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 5; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **H. COMBINATION PERMIT**

A Combination Permit allows the performance of building, electrical, plumbing, and mechanical work under a single permit and may be issued for certain types of work which the Building Official has identified as being appropriate for such consideration. Fees shall be assessed as established in the Master Fee Schedule.

#### **I. DEPARTMENT HAVING JURISDICTION**

Wherever reference is made in this Code to “Department Having Jurisdiction,” it shall mean the Building Services Division of the Community and Economic Development Agency, and its successor in title.

#### **J. VERY HIGH FIRE HAZARD SEVERITY ZONE**

All of that area within the City as defined by the Fire Marshall of the City of Oakland, including, but not limited to, the area north and east of the following boundaries:

**BEGINNING** at the MacArthur Freeway at the San Leandro boarder to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Stearns Avenue; west on Stearns to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Boulevard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple

Avenue to Morgan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; west on Morgan Avenue to Coolidge Avenue; North on Coolidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mt. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley.

#### **K. INDEX SHEET**

A sheet located within the 1st or 2nd sheet of the plan set that lists all drawings and sheet numbers and a description of each drawing that are part of the plan set or other submittal document.

#### **L. NON-PROFESSIONAL**

A person that is not licensed or certified by the State of California, but is not prohibited by state law from providing a certain service to others or performing certain work for oneself.

#### **M. OAKLAND BUILDING CONSTRUCTION CODE**

The Oakland Building Construction Code is the compiled editions of the California Building Standards Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), Part 11 (Green Building Standards), and the Uniform Swimming Pool Spa and Hot Tub Code, with local amendments thereto as adopted by the Council of the City of Oakland.

#### **N. READILY ACCESSIBLE**

As defined in the California Plumbing and Mechanical Codes.

#### **O. SEALED (STAMPED)**

Indicates the plan(s) is/are sealed, as required by California Business & Professions Code Sections 5536.1 and 5536.2, with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Information provided on the seal (stamp) shall be in accordance with California Business & Professions Code Section 5536.1 and Title 16, Section 136 of the California Code of Regulations.

#### **P. SIGNED**

Indicates the originals of the indicated plan(s) have been “wet” signed (and sealed) and the image of such signing is apparent on the copies of the originals submitted for permit. Also refer to the definition of “wet signed.”

#### **Q. SURVEYOR IN RESPONSIBLE CHARGE**

A person who is actively licensed by the State of California to perform boundary and topographic surveys in accordance with the provisions of the California Business and Professions Code, Land Surveyors Act.

#### **R. UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE**

A compilation of minimum standards for the erection, installation, alteration, moving, repair, maintenance and use of any swimming pool, spa or hot tub plumbing system. It is published by the International Association of Plumbing and Mechanical Officials to safeguard life or limb, health, property and public welfare.

#### **S. “WET” SIGNED**

Indicates the plan(s) is/are signed with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Also refer to the definition of “signed.”

#### **T. CALIFORNIA BUILDING CODE**

The International Residential Building Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2.5; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **U. CALIFORNIA ENERGY CODE**

The California Energy Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 6; a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **V. CALIFORNIA GREEN BUILDING STANDARDS**

The California Green Building Standards is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 11 a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code.

#### **15.04.080 Powers And Duties Of The Building Official**

**A.** The Building Official is authorized and directed to enforce all the provisions of this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall conform with the intent and purpose of this Code.

**B.** In accordance with the prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers, inspectors, other employees, or agents as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

**C.** When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

**D.** When any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

**E.** The Building Official or his or her authorized representative, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland because of such act or omission performed by the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the City of Oakland.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical system or equipment regulated herein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or the

City of Oakland be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

F. The Building Official may request, and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

G. Pursuant to Oakland Municipal Code section 1.28.010, violations of the provisions of this Code shall be a misdemeanor. The penalty for conviction shall be punishable by the maximum fines and sentence of imprisonment in the County Jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the building, structure, portion thereof, or the real property shall, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

## **Article II**

### **Part 1 - Administrative Amendments To The California Building Code**

**15.04.100** Refer to Article I - General Administrative Amendments of this chapter.

**15.04.102** Adopt Appendix Chapter 1 of the California Building Code in its entirety.

**15.04.104** In Section 101.2 of Appendix Chapter 1 of the California Building Code, delete the Exception and add also Section 15.04.010 of this Chapter.

**15.04.106** In Section 102.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.015 of this Chapter.

**15.04.108** In Section 102.2 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.020 of this Chapter.

**15.04.110** In Section 103 of Appendix Chapter 1 of the California Building Code, delete this section in its entirety.

**15.04.112** In Section 104 of Appendix Chapter 1 of the California Building Code, add section 15.04.030 of this Chapter as a new subsection 104.13.

**15.04.114** In Section 105.1 of Appendix Chapter 1 of the California Building Code, delete sections 105.1.1 and 105.1.2 in their entirety.

**15.04.116** In Section 105.2 of Appendix Chapter 1 of the California Building Code, delete all references to Electrical, Gas, Mechanical, and Plumbing in their entirety, and also replace subparagraph number 2 in its entirety with the following:

“Concrete or masonry fences not over 3 feet high and fences constructed of other materials when not over 6 feet high”.

**15.04.118** In Section 105.3 of Appendix Chapter 1 of the California Building Code, add section 15.04.035 of this Chapter as the number 8 subparagraph.

**15.04.120** In Section 105.3 of Appendix Chapter 1 of the California Building Code, add section 15.04.040 of this Chapter as the number 9 subparagraph.

**15.04.122** In Section 105.3.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with the following:

“When the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and Conditions of Compliance for the abatement of violations of this code and other codes and ordinances requiring permits for corrective work, and that the fees, charges, costs, and assessments specified in the Master Fee Schedule along with all penalties have been paid, the Building Official shall issue a permit therefore to the applicant” .

**15.04.124** In Section 105.3.2 of Appendix Chapter 1 of the California Building Code, replace the phrase “. . . or more extensions of time for additional periods not exceed 90 days each” with “extension of time not exceeding 180 days”.

**15.04.126** In Section 105.5 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.055 of this Chapter.

**15.04.128** In Section 105.6 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.060 of this Chapter.

**15.04.130** In Section 105.7 of Appendix Chapter 1 of the California Building Code, replace the sentence in its entirety with the following:

“In addition to the building permit and the Inspection Record Card, it shall be the duty of the person requesting any inspections to have available, at the time of inspection, the following information (as applicable):

1. The approved plans and specifications, including copies of approvals of any changes.
2. Copies of all previous Correction Notices.
3. Land use approvals (variances, Conditional Use Permits, Design Review, etc.).
4. Other permits as may be required by the scope of work (excavation, encroachment, sidewalk, sewer, grading, etc.).
5. Any other documents as may be necessary for the performance of the inspection (Special Inspection Reports, equipment and appliance installation instructions, payment of accrued

fees, etc.).”

**15.04.132** In Section 106.1 of Appendix Chapter 1 of the California Building Code, add section 15.04.045 as a new subsection 106.1.4.

**15.04.134** In Section 106.1 of Appendix Chapter 1 of the California Building Code, add section 15.04.050 as a new subsection 106.1.5.

**15.04.136** In Section 106.3 of Appendix Chapter 1 of the California Building Code, delete subsection 106.3.3 in its entirety.

**15.04.138** In Section 106.1 of the California Building Code, replace the phrase “. . . one or more sets. . .” in the first sentence with “three or more sets, as the Building Official may require, . . .”.

**15.04.140** In Section 106.2 of the California Building Code, replace this section in its entirety with the following:

## **Section 106.2 Site Plan**

### **Section 106.2.1 Boundary And Topographic Survey Maps**

#### **Section 106.2.1.1 Required Submittal**

A combined map or separate maps of a boundary survey, including easement locations, and a topographic survey shall be submitted with all applications for a building permit for a new structure and as otherwise required by the Building Official. One (1) electronic copy in an approved format and two (2) non-electronic copies of the map or maps shall be submitted on approved media (compact disk, heavy bond paper, etc.) which shall bear the seal and wet signature of the Surveyor In Responsible Charge. The surveys shall have been performed (or re-certified) not more than three (3) years prior to the date of the permit application. The surveys shall be drawn to a scale of not less than 1 inch equals 10 feet. The boundary survey shall be retraceable independent of the monuments or other markers that have been set during the survey.

#### **Section 106.2.1.2 Required Information**

The following information shall be included on the map or maps:

1. The boundary lines of the subject property with their courses and lengths.

#### **EXCEPTION**

Where approved by the Building Official for large sites, the extent of the survey may be limited to a minimum of 65 feet from the exterior wall of the proposed building, provided a vicinity map is shown indicating the location of the survey as it relates to the site as a whole.

2. Identification of and ties to the local, nearby, and permanent monuments. In areas where local monuments do not exist to control local boundaries, the Surveyor In Responsible Charge

may be required to install permanent monuments conforming to City standards to perpetuate any boundary lines established.

3. A Basis Of Survey statement that identifies how the boundary lines for the site have been developed (i.e.: “This survey is based on the lines and dimensions shown on Parcel Map 1234, filed June 1, 1950, ...”).

4. A Basis of Bearings statement that identifies how the bearings for the boundary lines have been derived (i.e.: “The bearings of this map are based upon the monument line of Smith Street, taken as N 45° W as shown ...”).

5. Identification of the locations and type of monuments or other makers set by the Surveyor In Responsible Charge with the elevations above and below City of Oakland datum or Port of Oakland datum, as applicable. A boundary survey map need not include references to elevations where shown on a separate topographic survey map. Boundary survey maps for vertical subdivisions of real property shall include references to elevations above and below City of Oakland datum or Port of Oakland datum, as applicable. Where Port of Oakland datum is used, a graphical conversion to City of Oakland datum shall be provided.

6. The record distance along the public right-of-way line from a side property line to the nearest intersecting street.

7. The distance and direction from a frontage corner of the site to the nearest existing fire hydrant.

8. Contour lines of the existing ground surface elevations with an interval spacing not more than five (5) feet. Elevations shall be referenced to City of Oakland datum or Port of Oakland datum, as applicable.

#### **EXCEPTION**

Where approved by the Building Official, elevations of selected points on the ground (“spot” elevations) may be provided in lieu of contour lines for sites with relatively level topography.

Where Port of Oakland datum is used, a graphical conversion to City of Oakland datum shall be provided.

9. Grades and contours shall extend to the centerline of improved streets and to the opposite side of the public right-of-way on unimproved streets and to a minimum of ten (10) feet beyond the side and rear property lines.

10. The location of all existing buildings or other pertinent structures (retaining walls, arbors, etc.) on the property.

11. The locations of existing public and private infrastructure improvements, including curbs, sidewalks, pavement, sewers, conduits, waterways, and culverts, either on or affecting the property and any proposed easements required in connection therewith.

12. The location, nature, and record information, of all public and private easements of record located on or directly affecting the site.

13. The location and width of existing driveways, referenced to any existing driveways within fifty (50) feet, with an indication of the percentage gradient of the existing driveway;
14. The location of traffic signal poles, street lighting standards, fire hydrants, sidewalk boxes, street trees, signs, pull boxes, parking meters or parking pay stations, utility poles, City Monuments and/or bench marks, and any other utilities or fixed objects within fifty (50) feet of a proposed driveway that may interfere with access to the property.
15. The location at the approximate center of the base and the diameter at breast height of all protected trees as required by Chapter 12.36 of the Oakland Municipal Code;
16. A North arrow, the date that the field survey was performed, the area of the site, the scale of the plat, and a title block which includes the legal description of the site (i.e.: "Lot 2 of Parcel Map 1234, recorded June 1, 1950, ... ");
17. Existing horizontal or vertical curves within three hundred (300) feet of a proposed driveway;
18. The location of existing crosswalks and bus stops within one hundred (100) feet of a proposed driveway.
19. Any additional information necessary to obtain compliance with this Code or related State laws and local ordinances as determined by the Building Official, including, but not limited to,
  - a. boundary closure and area calculations (2 copies, sealed and signed by the surveyor);
  - b. evidence of compliance with State laws relating to mandatory filing of Corner Record(s) or a Record of Survey.
20. A statement signed by the Surveyor In Responsible Charge for the boundary survey map and/or topographic survey map as follows:
  - a. For use when the boundary survey (and/ or easement determination) and topographic survey are performed by, or under the responsible charge of, the same surveyor:

**BOUNDARY AND TOPOGRAPHIC SURVEY STATEMENT**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the California Land Surveyors' Act at the request of \_\_\_\_\_ insert owner or agent's name \_\_\_\_\_, on \_\_\_\_\_ date \_\_\_\_\_

I hereby state that all existing grades and contours are based upon City of Oakland/ Port of Oakland (*select one*) datum..

I hereby further state that to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby further state that the parcel(s) designated by my survey and shown on this map is (are) the same as that shown on (*select the applicable statement from the following*)

- that (those) certain deed(s), recorded date, insert recording information: series, O.R., etc, in the Office of the Alameda County Recorder, and identified on the current equalized assessment roll of the Alameda County Assessor as Parcel No.: insert APN
- that certain Map entitled: map name, filed on date, in Book of Maps pages, in the Office of the Alameda County Recorder
- Parcel Map Waiver Map, recorded date, insert recording information: series, O.R., etc., in the Office of the Alameda County Recorder

I hereby further state that in accordance with the California Land Surveyors' Act the performance of this survey (*select the applicable statement from the following choices*)

- does not require a Corner Record or Record of Survey to be filed.
- requires that a Corner Record be filed and I will file (*or have filed*) a corner record within the time limits prescribed by State Law. Once filed by the County Surveyor in official records I will provide a copy to the City Surveyor's office.
- requires that a Record of Survey be filed with the Alameda County Surveyor, and I will (*or have*) file(*d*) same within the time limits prescribed by State Law. If, in the course of such filing, changes are necessary to the Record of Survey that reflect upon the survey submitted to the City of Oakland, I will promptly submit a corrected copy of said survey to the City.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

signature date, 20     
(typed name)

P.L.S. (or P.E.) No.                      Expires date, 20   

**b.** For use when the boundary survey (and/ or easement determination) is not performed by, or under the responsible charge of, the surveyor who is responsible for the topographic survey:

### BOUNDARY SURVEY STATEMENT

This map correctly represents a boundary survey made by me or under my direction in conformance with the requirements of the California Land Surveyors' Act at the request of insert owner or agent's Name, on date

I hereby further state that, to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby further state that in accordance with the California Land Surveyors' Act the performance of this survey (*select the applicable statement from the following choices*)

- does not require a Corner Record or Record of Survey to be filed.
- requires that a Corner Record be filed and I will file (*or have filed*) a corner record within the time limits prescribed by State Law. Once filed by the County Surveyor in official records I will provide a copy to the City Surveyor's office.
- requires that a Record of Survey be filed with the Alameda County Surveyor, and I will (*or have*) file(*d*) same within the time limits prescribed by State Law. If, in the course of such filing, changes are necessary to the Record of Survey that reflect upon the survey submitted to the City of Oakland, I will promptly submit a corrected copy of said survey to the City.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

\_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_, 20\_\_  
(typed name)

P.L.S. (or P.E.) No. \_\_\_\_\_ Expires \_\_\_\_\_ date \_\_\_\_\_, 20\_\_

c. For use when the topographic survey is not performed by the surveyor who is responsible for the boundary survey (and/ or easement determination):

### TOPOGRAPHIC SURVEY STATEMENT

This map correctly represents a topographic survey made by me or under my direction in conformance with the requirements of the California Land Surveyors' Act at the request of \_\_\_\_\_ insert owner or agent's name \_\_\_\_\_, on \_\_\_\_\_ date \_\_\_\_\_

I hereby state that the property boundary shown upon this map is based upon a survey performed by \_\_\_\_\_ insert name and license number of surveyor performing the boundary work \_\_\_\_\_, on \_\_\_\_\_ date \_\_\_\_\_, 20\_\_ .

I hereby state that all existing grades and contours are based upon City of Oakland/ Port of Oakland (*select one*) datum.

I hereby further state that, to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

\_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_, 20\_\_  
(typed name)

P.L.S. (or P.E.) No. \_\_\_\_\_ Expires date, 20\_\_\_\_

21. A public advisory as follows:

### **PUBLIC ADVISORY**

This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors.

#### **Section 106.2.2 Plot Plan**

##### **Section 106.2.2.1 Required Submittal**

All applications for a building permit for a new building, or as otherwise required by the Building Official, shall be accompanied by a Plot Plan which has been certified within 3 years prior to date of permit application. The plot plan shall be based upon and show all information that is required to be shown upon the boundary survey and topographic survey maps of subject site. Four (4) wet signed and sealed copies of the plot plan shall be submitted with the permit application. Scale of the plot plan shall be no smaller than 1 inch equals 10 feet.

##### **Section 106.2.1.2 Required Information**

The following information shall be included on the Plot Plan:

1. All relevant data from boundary survey and topographic survey.
2. Locations of the proposed building and other structures and improvements with proper references to every existing building and other structure and improvement on the property. Existing buildings and other structures and improvements indicated on the survey and that will be (or have been since the survey was prepared) demolished should be indicated as such on the plot plan.
3. Design of all off-street parking and loading facilities, including parking stall size, angle of parking, aisle width, interior circulation and proposed grades. If a parking structure is being constructed, a reference to this should be made on the plot plan.
4. Location and dimensions of ground level usable open space as required by the Planning Code.
5. Indication of landscaping and screening as required by the Planning Code.
6. Indication as to which protected trees, if any, as defined in Chapter 12.36 of the Oakland Municipal Code may be removed or damaged by proposed construction.

7. The proposed street grades along the property line contiguous to the street in not less than three places, where property shown on plat abuts on an unimproved street.
8. The location, ties to boundary monuments, and elevations of all proposed improvements, including parking pads, garages, buildings, interior floors, decks, retaining walls, exterior stairways, and driveways.
9. The location of the proposed building sewer connecting the proposed improvements to the main sewer with the flow line elevation shown at the main sewer connections.
10. The location, width, and grades of proposed driveways, properly referenced to any existing driveways, poles, signs, hydrants, or any fixed objects within 50 feet, that may interfere with access to the property.
11. All proposed grades, elevations, and contours based upon City of Oakland datum or Port of Oakland datum, as applicable.
12. All proposed contour lines at not more than five foot intervals, which contours shall extend over the portion of the public right-of-way proposed to be improved.
13. Where roof rain leaders cannot drain to the street or where storm water runoff is concentrated, an acceptable drainage plan prepared by a registered design professional is required.
14. Any additional information necessary to obtain compliance with this Code or related State laws or local ordinances as determined by the Building Official.
15. A Designer's Statement:

### DESIGNER'S STATEMENT

This plot plan correctly represents a plot plan made by me or under my direction.

I hereby state that to the best of my knowledge all provisions of applicable State laws and local ordinances have been fully satisfied.

I hereby further state that all proposed grades, elevations, and contours delineated upon this plot plan are based upon a survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey) that was indicated thereon by the surveyor thereof as being based upon City of Oakland datum.

(OR, if applicable):

I hereby further state that all proposed grades, elevations, and contours delineated upon this plot plan are based upon a boundary survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey) \_\_\_\_\_ and a topographic survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey) \_\_\_\_\_ that were indicated thereon by the surveyors thereof as being based upon City of Oakland/ Port of Oakland (*select one*) datum.

\_\_\_\_\_, 20\_\_\_\_  
(signature) (date)

Title: \_\_\_\_\_ License No: \_\_\_\_\_ Expires \_\_\_\_\_, 20\_\_\_\_

**15.04.142** In Section 108.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.065 of this Chapter.

**15.04.144** In Section 108.4 of Appendix Chapter 1 of the California Building Code, replace “. . . Building Official . . . “ with “as established in the Master Fee Schedule”.

**15.04.146** In Section 108.5 of Appendix Chapter 1 of the California Building Code, replace “. . . that are prescribed by law . . . “ with “as established in the Master Fee Schedule”, and also add the following paragraph:

“Re-inspection fees may be assessed when the Inspection Record Card, Approved Plans, Correction Notices, Conditions of Approval, Conditions of Compliance, or other necessary permits or documents are not readily available to the inspector; or for failure to provide unimpeded access on the date and time for which the inspection is scheduled; or for failure to comply with a Stop Work Notice; or for deviating from Approved Plans requiring the approval of the Building Official or other City Department”.

**15.04.148** In Section 108.6 of Appendix Chapter 1 of the California Building Code, delete this section in its entirety.

**15.04.150** In Section 109.3.8 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with the following:

“In addition to the scheduled inspections specified above, the Building Official may make investigations, re-inspections, or compliance monitoring inspections, or require other inspections of any construction work to ascertain compliance with the provisions of this code and Conditions of Compliance and other laws which are enforced by the City and assess fees as established in the Master Fee Schedule.”

**15.04.152** In Section 109.3 of Appendix Chapter 1 of the California Building Code, add the new subsection:

**109.3.11 Re-inspections**

To obtain a re-inspection, the applicant shall first pay the re-inspection fee as established in the Master Fee Schedule and then schedule a re-inspection.

**15.04.154** In Section 109.6 of Appendix Chapter 1 of the California Building Code, add the following subsections:

### **109.6.1 Major Inspection - Foundation**

Before concrete or grout is placed, approval of a Foundation Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection, compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals; removal of vegetation and completion of excavations for footings; installation and approval of required forms, reinforcing and prestressing steel, and structural embedments; and installation and approval of required electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, inserts, embedments, and similar systems, components, or ancillary equipment items.

Where inspection is performed under the requirements of California Building Code Chapter 17 (Special Inspections), receipt of certifications, tests and reports resulting from such inspection shall be received prior to approval or partial approval of any Major Inspection. All materials for the foundation not otherwise required to be secured in place shall be on the jobsite, except for concrete which is ready mixed in accordance with CBC Standard No. 19-3.

### **109.6.2 Major Inspection - Concrete Slab or Under Floor**

Before concrete is placed or floor sheathing is installed, including subfloor, approval of a Concrete Slab or Under Floor Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection, compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals; installation and approval of required forms, reinforcing and prestressing steel, and structural embedments; and installation and approval of required in-slab or under-floor required electrical, mechanical, plumbing, fire extinguishing, and communications conduits, pipes, ducts, vents, vapor barriers, insulation, and similar systems, components, or ancillary equipment items.

Where inspection is performed under the requirements of California Building Code Chapter 17 (Special Inspections) of the California Building Code, receipt of certifications, tests and reports resulting from such inspection shall be received and approved prior to approval or partial approval of any Major Inspection.

Where under-floor conditions and clearances are determined to be readily accessible as defined herein, the Building Official may authorize and approve the installation of sub-floor/floor sheathing prior to the satisfaction of all conditions specified in paragraph one of this section. All documents related to off-site manufacture, third party approval/inspection of materials or workmanship must be received and approved by the Building Official prior to approval or partial approval of any subsequent work which is supported by the concrete slab or foundation and sub-floor assembly.

### **109.6.3 Major Inspection - Frame**

Approval of a Frame (Rough) Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection,

compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals, including off-site fabrication of components; installation and approval of weatherproofing for the roofing system, all framing, fire blocking, draft stopping, and bracing; installation of noise and energy-saving insulating materials; installation and approval of chimneys; and installation and approval of required electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, inserts, embedments, and similar systems, components, or ancillary equipment items. Additionally, approval of the Frame inspection shall be contingent upon approval of the lath or gypsum wallboard inspection. No work shall be concealed until specific approval has been given (framing, etc.).

#### **109.6.4 Major Inspection - Final**

Approval of a Final Inspection shall be contingent upon approval of all other required inspections; receipt and approval of required certifications, tests, and reports; receipt of fees; receipt of required City and outside agency approvals; completion and approval of finish grading and all public and site improvements; installation and approval of all electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, vents, insulation, vapor barriers, and similar systems, components, or ancillary equipment; and the building being completed and ready for occupancy.

**15.04.156** In Section 112 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.025 of this Chapter.

**15.04.158** In Section 108.8 of the California Building Code, delete this section in its entirety.

## **Article II**

### **Part 2 - Administrative Amendments To The California Electrical Code**

**15.04.200** Refer to Article I - General Administrative Amendments of this chapter.

#### **15.04.205 Title**

These regulations shall be known as the "Oakland Amendments Of The California Electrical Code," may be cited as such, and will be referred to herein as "this chapter," "this Code," or "the Oakland Building Construction Code."

#### **15.04.210 Purpose**

**A.** The purpose of this Code is to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of electrical systems, equipment, machinery, fixtures, and appliances within this jurisdiction.

**B.** The purpose of this Code is not to create or otherwise establish or designate any particular

class or group of people who will or should be especially protected or benefited by the terms of this Code.

#### **15.04.215 Scope**

**A.** The provisions of this Code shall apply to the installation, alteration, repair, relocation, replacement, addition, use, or maintenance of electrical systems, equipment, machinery, fixtures and appliances. Additions, alterations, repairs and replacement of electrical systems or equipment shall comply with the provisions for new equipment and systems.

**B.** Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

#### **15.04.220 Existing Electrical Systems**

**A.** Additions, alterations, replacements, or repairs may be made to any electrical system without requiring existing electrical system to comply with all the requirements of this Code, provided the addition, alteration, replacement, or repair conform to the requirements for a new electrical system or equipment. Additions, alterations, replacements, or repairs shall not cause an existing system to become dangerous, hazardous, or otherwise unsafe.

**B.** Electrical systems and equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life or limb, property, or public welfare has been created by such electrical system.

**C.** Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the California Building Code, shall comply will all requirements of this Code which may be applicable to the new use or occupancy.

**D.** All electrical systems, equipment, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards which are required by this Code shall be maintained in conformance with the code edition under which installed. The property owner or designated agent shall be responsible for maintenance of electrical systems and equipment. To determine compliance with this subsection, the Building Official may cause an electrical system or equipment to be inspected.

**E.** Electrical systems or equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this Code for new installations.

#### **15.04.225 Alternate Materials And Methods Of Construction**

**A.** The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code provided any such alternate has been

approved and the use authorized by the Building Official.

**B.** The Building Official may authorize any alternate, provided the Building Official finds the proposed design is satisfactory for the intended use and complies with the provisions of this Code and that the material, method or work offered is for the purpose intended, at least equivalent to that prescribed by this Code in suitability, strength, effectiveness, fire resistivity, durability, ampacity, and safety.

**C.** The Building Official shall require sufficient evidence or proof be submitted to substantiate claims made regarding the use of alternates. The details of any approval actions for an alternate shall be retained by the Building Official for the period required for retention of public records.

#### **15.04.230 Modifications**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of this Code impractical and the modification does not lessen health life and fire safety requirements. The details of actions granting modifications shall be recorded and shall be retained by the Building Official for the period required for retention of public records.

#### **15.04.235 Tests**

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures. All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

#### **15.04.240 Powers And Duties Of The Building Official**

**A.** The Building Official is authorized and directed to enforce all the provisions of this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall conform with the intent and purpose of this Code.

**B.** In accordance with the prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers, inspectors, other employees, or agents as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code

Enforcement Agency.

C. When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. When any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

E. The Building Official shall have the authority to disconnect electrical utility service or energy supplies to a building, structure, premises, or equipment regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or limb, property, or public welfare. The Building Official shall, whenever possible, notify the serving utility, the property owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, property owner and occupant for the building, structure or premises in writing of such disconnection immediately thereafter.

F. When the Building Official determines that any equipment, or portion thereof, regulated by this Code has become unsafe, hazardous, or dangerous to life or limb, property, or public welfare, the Building Official shall order in writing that the equipment either be removed or restored to a safe condition, as appropriate, within a fixed time. Persons shall not use or maintain defective equipment after receiving a notice. When an electrical system or equipment is to be disconnected, written notice indicating the causes therefore shall be given within twenty-four (24) hours to the serving utility, the property owner and occupant of the building, structure or premises. When any electrical equipment or system is maintained in violation of this Code, and in violation of a notice issued as provided in this section, the Building Official shall institute an appropriate action to prevent, restrain, correct or abate the violation.

G. Persons shall not make connections from an energy or power supply nor supply energy or power to any equipment regulated by this Code which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

H. The Building Official or his or her authorized representative, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance shall not thereby be rendered personally liable for

damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland because of such act or omission performed by the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the City of Oakland.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical system or equipment regulated herein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or the City of Oakland be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

I. The Building Official may request, and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

#### **15.04.245**

##### **A. General Standards**

Refer to Section 15.04.015 of this chapter.

##### **B. Appeals**

Refer to Section 15.04.025 of this chapter.

##### **C. Violations**

Refer to Section 15.04.030 of this chapter.

#### **15.04.250 Application For Permit**

A. Refer to Section 15.04.035 of this chapter.

B. Except as permitted in subsection C of this section, no electrical system or equipment regulated by this Code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit or "Combination Permit" has been obtained from the Building Official for each separate building or structure.

C. Refer to National Electrical Code (NEC) Article 90-2(a).

**D.** Exemption from the permit requirements of this Code shall not be deemed to grant authorization for work to be done in violation of the provisions of this Code or other laws or ordinances of this jurisdiction.

**E.** A plant permit may be issued by the Building Official to a person not holding a California State Electrical Contractor License but who is regularly employed as an electrician in a plant or business. The permit shall be issued upon written application from the owner or manager of the plant or business in which the person is employed. The application shall certify that the proposed permittee is competent to perform the electrical work and shall certify that all work will be performed under the requirements of this chapter.

All electrical work shall be done under the direction and supervision of the permittee. All electrical work, excepting the maintenance and repair of existing electrical installation and repair, shall be done only under permits issued as otherwise required under this article. The owner or manager of any plant or business employing the permittee shall immediately notify the Building Official in writing upon termination of the permittee and such notification shall cancel the plant permit.

Evidence of any electrical work being done under the plant permit that is in violation of any provisions of this chapter shall be grounds for immediate suspension or cancellation of the permit by the Building Official. The plant permit is renewable on an annual basis from the date of issuance for a fee established by the master fee schedule.

**F.** A meter reset permit shall be issued by the Building Official to any person for the purpose of reconnecting a supply of service or reinstalling a meter whenever the serving utility shall disconnect electrical service supply or remove any electrical meter to a structure or building for a period of ninety (90) days or more in a residential occupancy or thirty (30) days or more in a commercial or industrial occupancy. An inspection of the occupancy and other pertinent facilities is required. The serving utility will be authorized by the Building Official to reconnect the supply of service or reinstall any meter upon the condition that the occupancy is found to be void of hazardous or unsafe conditions.

Any hazardous or unsafe conditions found will require that an electrical permit (or combination permit) be obtained, as elsewhere contained in this chapter, to correct those same conditions. The meter reset permit does not cover electrical work as elsewhere contained in this chapter. Meter reset permit fee is established by the master fee schedule.

#### **15.04.255**

##### **A. Information On Submittals**

Refer to Section 15.04.040 of this chapter.

##### **C. Signing And Sealing Of Plans And Other Submittal Documents**

Refer to Section 15.04.045 of this chapter.

#### **D. Persons Who May Prepare Plans**

Refer to Section 15.04.050 of this chapter.

#### **15.04.260 Permit Issuance**

A. The application, plans, diagrams, calculations, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such data may be reviewed by other departments of this and other jurisdictions to verify compliance with applicable laws under their jurisdiction. When the Building Official finds that the work described in an application for a permit and the plans, diagrams, computations, calculations, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws, ordinances and conditions of compliance for the abatement of violations of this Code and other codes and ordinances and that the fees, charges, costs and assessments specified in the master fee schedule, as well as all penalties, have been paid, the Building Official shall issue a permit therefore to the applicant.

When issuing a permit where plans are required, the Building Official shall endorse in writing or stamp the plans as provided in the California Building Code. Such approved plans shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of a part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of a partial permit may proceed without assurance that the permit for the entire building, structure or electrical system will be granted.

B. One set of reviewed plans, diagrams, calculations, specifications and computations shall be retained by the Building Official until final approval of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C. The issuance of a permit or approval of plans, calculations, specifications, diagrams, and computations shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, calculations, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, calculations, computations, specifications, and other data or from preventing building operations being carried on there under when in violation of this Code or of other ordinances of

this jurisdiction.

#### **15.04.265**

##### **A. Expiration Of Permit Application Or Issued Permit**

Refer to Section 15.04.055 of this chapter.

##### **B. Suspension Or Revocation Of Issued Permit**

Refer to Section 15.04.060 of this chapter.

##### **C. Fees**

Refer to Section 15.04.065 of this chapter.

#### **15.04.270 Inspections**

**A.** Electrical equipment and systems for which permits are required by this Code shall be subject to inspection by the Building Official and such electrical equipment and systems shall remain accessible and exposed for inspection purposes until approved by the Building Official. It shall be the duty of the permit applicant to cause the electrical equipment and systems to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City of Oakland shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system or equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this Code shall not be connected to the energy supply lines until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City of Oakland shall not be valid.

**B.** The requirements of this section shall not be considered to prohibit the operation of mechanical systems installed to replace existing equipment or fixtures serving an occupied portion of the building in the event a request for inspection of such equipment or fixture has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such electrical system is concealed by any permanent portion of the building.

**C.** It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. Every request for inspection shall be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting

inspections required by this Code to provide access to and means for inspection of such work.

**D.** In addition to the called inspections required by this Code, the Building Official may make or require other inspections of electrical work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Code Enforcement Agency.

**E.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for inspection or re-inspection.

Re-inspection fees may be assessed, when the approved plans are not readily available to the inspector for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official. Re-inspection fees shall be established and assessed in accordance with the master fee schedule ordinance. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**F.** In addition to the inspections identified in this section, the Building Official may allow inspection by others in accordance with Section 15.04.055 of this chapter.

#### **15.04.275 Connection Approval**

**A.** No person shall make connections from a source of energy to any electrical system or equipment regulated by this Code and for which a permit is required until approved by the Building Official.

**B.** Whenever any person engaged in the distribution or sale of electrical energy shall set or install, or reset or reinstall, in, or about any building any meter for the measurement of electrical energy; or shall connect or reconnect supply or service to any installation of electrical equipment in, on, or about any building; or shall change the nominal voltage of supply for service to any installation of electrical equipment, in, on, or about any building; or shall change any such supply for service from two-wire to three-wire or vice versa, or from single phase to polyphase or vice versa, or from direct current to alternating current or vice versa, said person shall receive written authorization from the Building Official or the Building Official's designated representative, which authorization shall specify the location and address of the installation affected, provided, however, that said authorization need not be received with respect to any such meter installation or reinstallation or any such supply or service connection or reconnection, authorized by the Building Official or the Building Official's designated representative within thirty (30) days or more in residential occupancies or ninety (90) days or more in other occupancies of previous authorization; provided further that the Building Official may, at his or her discretion, waive temporarily or permanently any or all requirements of this section by giving written notice of such waiver to all persons engaged in the distribution or sale of electrical energy; and said Building Official may likewise at any time revoke such waiver by written notice

to all such persons.

**C.** The Building Official may authorize temporary connection of the electrical equipment to the source of energy for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

**D.** Provisions shall not be made for installing more than a single utility meter in the service equipment for a single-family dwelling, including other structures on the same property, without written authorization by the Building Official prior to their installation.

**15.04.280 Definitions**

In Article 100 - Part A of the California Electrical Code, add the following definitions:

**A. Multiple Family Dwelling**

Occupancies shall include Group R, Division 2 and Group I, Division 2, as defined and used in the California Building Code.

**B. Family Room**

A room or area in a dwelling unit separate from and contiguous to a kitchen and not used for eating, sleeping or sanitation purposes.

**C. Recreation Room**

Refer to Family Room.

**D. Show Window**

Applicability shall further include all occupancies engaged in public commerce, including banking and real estate.

**15.04.285** In Article 110 of the California Electrical Code, add the following new article:

**Article 110-35 SAFETY**

Electrical equipment and systems shall be constructed, installed, operated, and maintained safely and potentially free from electrical shock or fire hazard.

**Article II**

**Part 3 - Administrative Amendments To The California Mechanical Code**

**15.04.300** Refer to Article I – General Administrative Amendments of this chapter.

**15.04.305** In Section 101 of the California Mechanical Code, replace “Uniform Mechanical Code” with “Oakland Amendments of the California Mechanical Code”.

**15.04.310** In Section 104.1 of the California Mechanical Code, at the end of the first sentence add “. . . unless superseded by California or Federal law.”

**15.04.315** In Section 109 of the California Mechanical Code, replace this section in its entirety with Section 15.04.15 of this chapter.

**15.04.320** In Section 110.1 of the California Mechanical Code, replace this section in its entirety with Section 15.04.025 of this chapter.

**15.04.325** In Section 111 of the California Mechanical Code, replace this section in its entirety with Section 15.04.030 of this chapter.

**15.04.330**

A. In Section 113.1 of the California Mechanical Code, add Section 15.04.035 of this chapter as the number 7 subparagraph.

B. In Section 113.2 of the California Mechanical Code, replace “one” in “. . . one or more sets. . .” in the first sentence with “three (3)”.

C. In Section 113.3 of the California Mechanical Code, replace this section in its entirety with Section 15.04.040 of this chapter.

**15.04.335**

A. In Section 114.4.1 of the California Mechanical Code, replace the first sentence of the first paragraph with Section 15.04.055 of this chapter.

B. In Section 114.5 of the California Mechanical Code, replace this section in its entirety with Section 15.04.060 of this chapter.

**15.04.335**

A. In Sections 115.1, 115.2, and 115.3 of the California Mechanical Code, replace these sections in their entirety with Sections 15.04.065 and 15.04.070 of this chapter.

B. In Section 115.5 of the California Mechanical Code, replace the second sentence in the number 2 subparagraph beginning “. . . The investigation fee shall. . .” with Section 15.04.075 of this chapter.

**15.04.340** In Section 116.6 of the California Mechanical Code, replace the fourth paragraph beginning “To obtain a re-inspection, . . .” with Section 15.04.200B of this chapter.

**15.04.345** In Table No. 1-A of the California Mechanical Code, delete this table in its entirety.

## **Article II**

### **Part 4 - Administrative Amendments To The California Plumbing Code**

**15.04.400** Refer to Article I – General Administrative Amendments of this chapter.

**15.04.405**

**A.** In Section 101.1 of the California Plumbing Code, replace “Uniform Plumbing Code” with “Oakland Amendments of the California Plumbing Code”.

**B.** In Section 101.5.3 of the California Plumbing Code, add the following to the end of the first sentence “. . . unless superseded by California or Federal law.”

**C.** In Section 101.5.6 of the California Plumbing Code, add “or within” between “. . . moved into” and “this jurisdiction. . .”

**15.04.410**

**A.** In Section 102.2 of the California Plumbing Code, add Section 15.04.025 of this chapter as a new subsection 102.2.7.

**B.** In Sections 102.3.1 and 102.3.2 of the California Plumbing Code, replace these sections in their entirety with Section 15.04.030 of this chapter.

**15.04.415**

**A.** In Section 103.2.1 of the California Plumbing Code, add Section 15.04.035 of this chapter as a new section 103.2.1.7.

**B.** In Section 103.2.2 of the California Plumbing Code, replace “one” in “. . . one or more sets. . .” in the first sentence of the first paragraph with “three (3)”.

**C.** In Section 103.2.3 of the California Plumbing Code, replace this section in its entirety with Section 15.04.040 of this chapter.

**D.** In Section 103.3.4 of the California Plumbing Code,, replace the first sentence of the first paragraph with Section 15.04.055 of this chapter.

**E.** In Section 103.3.5 of the California Plumbing Code, replace this section in its entirety with Section 15.04.060 of this chapter.

**F.** In Sections 103.4.1 and 103.4.2 of the California Plumbing Code, replace these sections in their entirety with Sections 15.04.065 and 15.04.070 of this chapter.

**G.** In Section 103.4.4 of the California Plumbing Code, replace the second sentence in the subparagraph beginning “The investigation fee shall. . .” with Section 15.04.160 of this chapter.

**H.** In Section 103.5.6 of the California Plumbing Code, replace the fourth paragraph beginning “To obtain a re-inspection, . . .” in its entirety with Section 15.04.205B of this chapter.

**15.04.420**

**A.** In Section 202.0 of the California Plumbing Code, replace “Administrative Authority” in its entirety with Section 15.04.075(A) of this chapter.

**B.** In Section 202.0 of the California Plumbing Code, replace “Department Having Jurisdiction” in its entirety with Section 15.04.075(I) of this chapter.

**15.04.425** In Section 301.1 of the California Plumbing Code, add Section 15.04.015 of this chapter as a new section 301.1.5.

**15.04.430** In Section 301.2 of the California Plumbing Code, replace the last sentence in the first paragraph with the following:

“The Building Official may approve the system, method, or device when determined to be equivalent or superior.”

**15.04.435** In Section 301.4.5 of the California Plumbing Code, replace the first sentence in its entirety with the following:

“The Building Official may approve an alternative engineered design of a plumbing system when determined to conform with the intent of this Code.”

**15.04.440** In Section 316.2.2 of the California Plumbing Code, delete the phrase beginning with “. . . and in gas piping . . .”, and also add the following sentence at the end of the paragraph:

“See section 1211.3 for gas piping joints.”

**Article II**

**Part 5 - Administrative Amendments To The Uniform Swimming Pool,  
Spa, and Hot Tub Code**

**15.04.500** Refer to Article I - General Administrative Amendments of this chapter.

**15.04.505** In Section 1.3(a) of the Uniform Swimming Pool, Spa, And Hot Tub Code, at the end of the first sentence add “. . . unless superseded by California or Federal law.”

**15.04.510** In Section 1.7 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.030 of this chapter.

**15.04.515**

**A.** In Section 1.10 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace “in duplicate” in “. . . accompanied by plans in duplicate. . .” in the first sentence of the first paragraph with “in three (3) sets” in lieu thereof.

**B.** In Section 1.10 of the Uniform Swimming Pool, Spa, And Hot Tub Code, add Section 15.04.035 of this chapter as the fourth major subdivision lettered “(d).”

**15.04.520** In Section 1.11 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace Section 1.11 in its entirety with Sections 15.04.065, 15.04.070, and 15.04.075 of this chapter.

**15.04.525** In Section 1.15 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.060 of this chapter.

**15.04.530**

**A.** In Section 1.18 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.025 of this chapter.

**B.** After Section 1.18 of the Uniform Swimming Pool, Spa, And Hot Tub Code, add Section 15.04.055 of this chapter as a new section 1.19.

**15.04.535** In Section 102 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace the definition of “Administrative Authority” in its entirety with Section 15.04.075(A) of this chapter.

**15.04.540** In Section 310 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with the following:

**Section 310 - WASTE WATER DISPOSAL.**

**(a)** Waste water shall not be disposed of through any storm drain, seepage pit, underground leaching pit, or subsoil drainage line, and any line connected to a swimming pool, spa or hot tub.

**(b)** Waste water shall be disposed of as hereinafter set forth in this section and the type of disposal proposed shall be approved by the Administrative Authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface runoff shall be as follows:

Waste water shall be disposed of to the Sanitary Sewer through a minimum three (3) inch P trap. The tailpiece from the trap shall extend a minimum of three (3) inches above finished grade and below finished floor grade. Traps need not be vented when located on the exterior of the building. The connection between the filter waste discharge piping and the P trap shall be made by means of an air gap.

Plans and specifications for any deviation from the above manner of installation shall be approved by the Administrative Authority before any portion of any such system is installed.

## **Article II**

### **Part 6 - Administrative Amendments To The California Residential Code**

**15.04.570** Wherever the provisions of the California Residential Code conflict with the provisions Article I – General Administrative Amendments of this chapter, the provisions of Article I shall prevail.

## **Article II**

### **Part 7 - Administrative Amendments To The California Energy Code**

**15.04.580** Wherever the provisions of the California Energy Code conflict with the provisions Article I – General Administrative Amendments of this chapter, the provisions of Article I shall prevail.

## **Article II**

### **Part 8 - Administrative Amendments To The California Green Building Standards Code**

**15.04.590** Wherever the provisions of the California Green Building Standards Code conflict with the provisions Article I – General Administrative Amendments of this chapter, the provisions of Article I shall prevail.

## **Article III**

### **Part 1 - California Building Code**

#### **Non-Administrative (Technical) Amendments**

**15.04.600** In Section 105.2 of the California Building Code, modify the beginning of item 6 to read “Platforms, sidewalks, and driveways not more than ... “.

**15.04.601** In Section 310.1 of the California Building Code, remove Live/Work units from the R-2 listing, and refer to section 15.04.696 of this Code.

**15.04.602** In Section 406.1.4 of the California Building Code, replace paragraph numbers 1 and 3 in their entirety with the following:

1. A Group U private garage shall be separated from the dwelling unit and its attic area by not less than  $\frac{5}{8}$  inch Type X gypsum wallboard or equivalent applied to the garage side of the separation. Door openings shall be protected either with a minimum 1- $\frac{3}{8}$  inches thick solid core wood or solid or honey comb core steel door or with a door complying with section 715.4.3. Doors shall be self-closing and self-latching and shall not connect with a sleeping room. Window openings are prohibited.
3. A separation between a Group U private carport and the dwelling unit is not required provided the carport is entirely open on two or more sides and there are no enclosed areas above. Door openings shall be protected with a minimum 1- $\frac{3}{8}$  inches thick solid core wood or solid or honey comb core steel door. Window openings shall be fixed (non-openable) and dual-pane tempered glazing. Door and window openings shall not connect with a sleeping room.

**15.04.603** Replace Section 419 in the California Building with section 15.04.696 (live/work units) of this Code .

**15.04.604** In Section 501.2 of the California Building Code, add the following two sentences:

"Such building numbers shall be in accordance with the Oakland Municipal Code. In the Very High Fire Hazard Severity Zone, the numbers shall be a minimum of six inches high with a minimum stroke of 0.5 inch".

**15.04.605** In the Exception of Section 506.4 of the California Building Code, modify the next to last sentence as follows:

"A single basement need not be included in the total allowable building area, provided such a basement does not exceed the building area permitted for a building with no more than one story above grade plane."

**15.04.606** In Section 507 of the California Building Code, replace "area" with "building area".

**15.04.607** In Section 602.1 of the California Building Code, add the following two new paragraphs:

"In an existing building where a retrofit seismic bracing system is to be installed, if the existing lateral bracing system is intact and undamaged and the retrofit system is providing bracing to meet current code standards then, the retrofit lateral bracing system is not considered as part of the structural frame for the purposes of this chapter. However, if the retrofit bracing system is connected, through bolts or welding, directly to an existing steel structural frame which permits a path of heat transfer through conduction to the structural steel frame, and the existing structural steel frame is required to meet a one hour or higher fire-resistive requirement, then the retrofit frame shall be one hour minimum fire-resistive.

In an existing building where a retrofit seismic bracing system is to be installed, if the existing lateral bracing system has been or is to be removed or has been damaged and no longer has its original lateral capacity, then the retrofit lateral bracing system is considered as part of the structural frame and shall meet the appropriate fire-resistive code requirements for the structural frame."

**15.04.608** In Section 602.2 of the California Building Code, add the following new paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in a Type I and Type II construction as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not a part of the wall construction."

**15.04.609** In Section 602.3 of the California Building Code, add the following new paragraph after the second paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in Type III construction as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not part of the wall construction."

**15.04.610** In Section 602.4 of the California Building Code, add the following new paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in Type IV construction as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not part of the wall construction."

**15.04.612** In Section 602.5 of the California Building Code, add the following new paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in Type V building as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not part of the wall construction."

**15.04.614** In Section 702 of the California Building Code, add the following new definitions:

**CABLE:** Uninsulated non-ferrous electrical conductors that are a component of a premises wiring system in accordance with the provisions of the California Electrical Code.

**VENTS:** Plumbing vents that are a component of a sanitary drain waste and vent system in accordance with the provisions of the California Plumbing Code.

**WIRES:** Uninsulated non-ferrous conductors that are a component of a premises wiring or communication system in accordance with the provisions of the California Electrical Code.

**15.04.616** In Section 704.6 of the California Building Code, add the following new paragraph:

"Supports and hangers for piping, mechanical equipment, and/or other appurtenances shall not be attached to structural members unless the appropriate fire protection of the structural member can be maintained."

**15.04.618** In Section 708.3 of the California Building Code, replace this section in its entirety with the following:

"The shaft enclosure shall be of materials permitted by the building type of construction and shall also have an approved lining or ducted exhaust when used to convey moisture-laden air or product-conveying air, fumes, vapors, or dust in accordance with the provisions of the California Mechanical Code and the California Fire Code."

**15.04.622** In Section 716.5.3 of the California Building Code:

- A. Delete Exception number 1 in its entirety; and
- B. Add "...and fire dampers..." after the phrase "...smoke dampers..." and add "... which are vented to the outside..." after the phrase "...at penetrations of shafts..." in the first sentence in Exception number 2; and
- C. Add "...909.10, and 909.12..." in Exception number 2.3 after the phrase "...in accordance with the provisions of Sections 909.11...".
- D. Replace Exception number 3 in its entirety with "In parking garages, smoke dampers and fire dampers are not required at penetrations of exhaust shafts or supply shafts of 2-hour fire-resistive construction that have no openings which communicate with other building occupancies".
- E. Add "...and fire dampers..." in the first sentence in Exception number 4.

**15.04.624** In CBC Section 701A.3.1, Item 2, add the following new sentence:

"All buildings shall comply with all sections of Chapter 7B."

**15.04.626** Add the following new Chapter 7B for Construction in the Very High Fire Hazard Severity Zone:

### Chapter 7B

#### SPECIAL REQUIREMENTS FOR CONSTRUCTION IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE

##### Section 701B Fire Resistance of Walls.

Notwithstanding any other requirements to the contrary, exterior walls of structures shall comply with the provisions of the California Building Code and with the following requirements:

- (1) If 50% or more of the wall requires repair or replacement, the entire wall shall conform to this section and all other relevant provisions of this code. The exterior wall surface materials, other than  $\frac{7}{8}$ " three-coat stucco, must have a tightly sealed under-layment of  $\frac{1}{2}$ " Type "C" gypsum sheathing under  $\frac{3}{8}$ " plywood siding or  $\frac{3}{4}$ " drop siding,  $\frac{5}{8}$ " Type "X" under other siding, or an approved alternate. If the wall covering is wood shingle, it may only be replaced with fire-retardant, pressure-treated wood shingle applied over the fire resistant construction wall covering described above and only in conjunction with a vegetative management program. Wood shake wall covering shall not be allowed.
- (2) All exterior walls are required to be protected with double blocking (two - 2 inch nominal solid blocking) or equivalent approved by the Building Official between rafters at all roof overhangs under the exterior wall covering. No attic ventilation openings or ventilation louvers shall be permitted in soffits, cave overhangs, between rafters at eaves, or other overhanging areas unless approved by the building official. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall not exceed one hundred and forty-four (144) square inches per opening and shall be covered with  $\frac{1}{4}$  inch mesh corrosion resistant metal screen. Attic ventilation shall also comply with the requirements of the California Building Code.
- (3) If less than 50% of the wall requires repair or replacement, the existing wall may be repaired or replaced in-kind. If the wall covering is wood shingle or wood shake, it may only be repaired or replaced with fire-retardant, pressure-treated wood shingle.
- (4) For enclosed patio covers, enclosed decks, sun rooms, and solariums where the wall between the living area and the enclosure is more than 50% open, the exterior horizontal and vertical surfaces shall meet the requirements as provided in the California Building Code. If the wall between the living area and the enclosure is less than 50% open, that wall must meet the fire-resistive requirements as provided in the California Building Code. The exterior horizontal and vertical surfaces of the enclosure may be constructed of any approved materials and/or methods pursuant to this section or other provisions of this code as long as the attachment of such structures to the fire-resistive wall maintains the fire-resistive integrity of the wall.

## Section 702B Fire Resistive Projections and Minor Structures.

Notwithstanding any other requirements to the contrary in this code, projections from structures in the Very High Fire Hazard Severity Zone without walls, including, but not limited to decks, balconies, roof overhangs, carports and attached patio covers, may be constructed of any approved materials and/or methods pursuant to this section or other provisions of this code. The attachment of these projections to the exterior fire-resistive wall shall be constructed so as to maintain the fire-resistive integrity of the wall.

## Section 703B.1 Roof Covering.

The roof covering assembly includes the roof deck, under-layment, inter-layment, insulation and covering which is assigned a roof-covering classification.

## Section 703B.2 Fire Resistive Roof Covering.

Roof covering on structures shall be fire resistive and shall be as follows:

Roof covering for newly constructed structures and existing structures for which the roof covering is replaced shall be a minimum Class A rated roof assembly. An existing roof covering with greater than 25% damage of the roof area shall be completely replaced or covered with an assembly having a minimum Class A rating. A Class A roof covering shall be one of the following roofing:

- (1) Any Class A roofing assembly;
- (2) Fibrous cement shingles or sheets;
- (3) Exposed concrete slab roof;
- (4) Slate shingles;
- (5) Clay or concrete roof tile;
- (6) Roof coverings of wood shingle or shake with less than 25% damage of the roof area shall be repaired with pressure-treated fire-retardant wood shingle or shake with a Class A rating or with any other Class A rated roof covering.

Roof coverings of other roof material as identified in the California Building Code with less than 25% damage of the roof area may be repaired with the same roof material unless the repair will adversely affect the existing structural members or create or perpetuate an unsafe or substandard condition.

## EXCEPTIONS:

- (1) Wood Shingles shall be not less than Class C as provided by the California Building Code or other approved systems in areas designated as Fire Hazard Severity Zones by the Chief of the Fire Department.
- (2) Wood Shakes shall be not less than Class C as provided by the California Building Code or other approved systems in areas designated as Very High Fire Hazard Severity Zones by the Chief of the Fire Department.

#### Section 703B.3 Roof Covering Application Requirements.

In addition to any other requirements imposed by this section, application of roof covering materials in the Very High Fire Hazard Severity Zone shall comply with the requirements contained herein.

A. Existing roof covering with greater than 25% damage of the roof area and existing roof covering which is to be replaced shall be completely removed prior to the application of the new roof covering material.

#### EXCEPTION:

Existing roof covering material need not be completely removed prior to the application of the new roof covering material if the existing roof covering material is of Class A rating and contains no wood products and the owner can demonstrate to the Building Official that the roof framing construction can structurally support the combined weight of the existing roof covering material and the new Class A roof covering material.

B. The vendor of roof covering material shall provide certification of the roof covering material classification to the building owner. The building owner must provide such certification to the Building Official upon inspection.

C. Repair or replacement of "flat" roof coverings shall not begin until authorized by the Building Official. Where evidence of ponding of water is present, an analysis of the roof structure for compliance with the California Building Code shall be made. The Building Official may require that corrective measures be made.

#### EXCEPTION:

An inspection by the Building Official to verify the existing conditions may be waived if the structure owner submits an inspection report prepared by a qualified Special Inspector, approved by the Building Official.

#### Section 704B.

Buildings or building groups shall be located at least thirty (30) feet apart to minimize fire spread potential. This may be reduced to a minimum of six feet for each building or group of buildings provided all exterior walls within thirty (30) feet of another building or group of buildings are

one-hour fire resistive construction or equipped with an approved automatic fire extinguishing system. The distance shall be measured at right angles from the adjacent building. This provision shall not apply to walls at right angles to the adjacent building or group of buildings.

Section 705B.

Combustible projections located where openings are not permitted or where protection of openings is required shall be of one-hour fire-resistive or heavy-timber construction conforming to the provisions of the California Building Code.

Section 706B Group R Occupancies.

All new or reconstructed dwelling units shall be equipped with an approved automatic fire extinguishing system.

**15.04.628** In Section 1008.1.1 of the California Building Code, replace Exceptions 1 and 5 in their entirety with the following:

EXCEPTIONS:

1. Door openings in a dwelling unit or sleeping unit which are not part of the required means of egress and which serve occupiable spaces shall be not less than twenty-eight (28) inches in width.
5. Door openings in a dwelling unit or sleeping unit which serve occupiable spaces shall not be less than eighty (80) inches in height.

**15.04.630** In Section 1008.1.1 of the California Building Code, delete Exceptions 6 and 7 in their entirety.

**15.04.632** In Section 1013 of the California Building Code, add the following new subsection:

1013.7 Tensioned Cables.

Spaced intermediate tensioned cables in guards (guardrails) shall not be considered as meeting the requirements of this section.

EXCEPTION:

A private dwelling unit with less than 10 occupants may use intermediate tensioned cables in guardrails to meet the requirements of this section if the tension cables are spaced no more than two and one-half inches on center and are positively anchored at each end, and if anchored to wood rely only on compression in the wood to resist the tension in the cable.

**15.04.636** In Section 1027.6 of the California Building Code, delete the phrase "...for a Group E occupancy..." from the first sentence in the Exception and delete the first sentence beginning "For other than Group E buildings..." in its entirety from the number 2 Exception.

**15.04.638** In Section 1029.5.2 of the California Building Code, delete the word "ladder" throughout this section.

**15.04.640** In Section 1203.4.1 of the California Building Code, add the following new subsection:

1203.4.1.3 Closets.

The ventilation for a domestic clothes washer and/or dryer located in a closet in a dwelling unit may also comply with the following:

1. The area of a closet containing a washer and/or dryer shall be included in the area under consideration for determining ventilation requirements for the room to which the closet is accessory. In the case where a closet containing a washer and/or dryer is located in a hallway, the area of closet and hallway shall be included in the area under consideration for determining ventilation requirements for the room or rooms which will provide the ventilation to the hallway and closet.
2. Louvers shall be provided on doors to a closet containing a washer and/or dryer.
3. Natural ventilation shall be not less than one twentieth of the total floor area, with a minimum of 1½ square feet. Mechanical ventilation of five air exchanges per hour may be provided as an alternative.
4. A dryer vent installed in accordance with the California Mechanical Code is necessary but is not considered as providing any ventilation required by this section.

**15.04.642** In Section 1505.1.1 and 1505.1.3 of the California Building Code, add the new sentence:

"The roof covering shall include the roof deck, under-layment, inter-layment, insulation and weather-exposed covering which is assigned a roof-covering classification."

**15.04.646** Add the following new Chapter 16B for requirements for Private Driveway Access Bridges:

Chapter 16B

PRIVATE DRIVEWAY ACCESS BRIDGES

Section 1601B—Driveway Bridge Design and Repair.

Every driveway bridge and portion thereof for vehicular access to private garages or private parking shall be designed and constructed as a minimum in accordance with the general requirements of this Code as amended by this Section.

This Section provides design loadings for driveway bridges, driveway approach decks, garage floors, and carport floors. Secondly, this division provides for minimum prescriptive requirements for alterations or repairs of varying scope to existing driveway bridges. This Section considers the possibility of temporary heavy loads on unroofed vehicle approach decks due to construction equipment, moving vans, and heavy emergency or other vehicles using the deck. On these bases, the appropriate design loads have been determined.

In all cases lateral loads for wind or seismic shall be considered and provided for. Repairs and alterations of existing decks shall conform to the criteria pursuant to this chapter.

#### Section 1602B - Design Loads

##### Section 1602B.1 Case I.

Design loads for driveway bridges serving private residential parking garages/carports with restricted headroom and no repair or refueling. Design loads shall be pursuant to Chapter 16 of the California Building Code for concentrated load and uniform live load (Private or pleasure-type motor vehicle storage). Reduction of live load may be determined pursuant to Chapter 16 of the California Building Code. Design load summary as follows:

Wheel load:

Two (2) 2,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half (2½) feet square pursuant to Chapter 16 of the California Building Code.

Uniform load:

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction may be pursuant to Chapter 16 of the California Building Code.

##### Section 1602B.2 Case II.

Design loads for private vehicle access bridges serving a single family dwelling on a single lot fronting unimproved streets where the length of the building access path crossing the driveway bridge is fifty (50) feet or less. The following loads apply to the portion of such vehicle access bridges in the public right-of-way as well as the portion on private property. Pursuant to Chapter 16 of the California Building Code, this Section considers the gross weight of the maximum vehicle served to be twenty thousand (20,000) pounds for this condition (AASHTO H10 loading). The length of the access path is measured from the edge of pavement of the unimproved street to the building/garage/carport entry point. This concentrated load may be

distributed in accordance with the provisions Chapter 16 of the California Building Code or, alternatively, the concentrated loads may be distributed in accordance with the Standard Specifications For Highway Bridges, 14th ed., 1989, or latest edition, as adopted by the American Association of State Highway and Transportation Officials, 444 North Capitol street, N.W., Suite 225, Washington, D.C. 20001. Allowable stress increases for a load duration of seven (7) days may be used for this concentrated load.

A minimum uniform live load of one hundred (100) PSF, (Garages—General storage and/or repair of the California Building Code), shall be used. Reduction of live loads may be determined pursuant to Chapter 16 of the California Building Code. The condition of concentrated or uniform live load producing the greater stresses shall govern. The summary of these loads are as follows:

Wheel load:

Two (2) 8,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half (2½) feet square.

May alternatively use AASHTO load distribution.

Uniform load:

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction pursuant to Chapter 16 of the California Building Code.

Section 1602B.3 Case III.

Same As Case II, except building entry access path crossing the driveway bridge is more than fifty (50) feet. Same as for Case II, except the gross vehicle weight considered shall be thirty thousand (30,000) pounds (AASHTO H15).

Wheel load:

Two (2) 12,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half (2½) feet square.

May alternatively use AASHTO load distribution.

Uniform load:

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction pursuant to Chapter 16 of the California Building Code.

Section 1602B.4 Case IV.

Design Load for Private Residential Access Bridge Serving More than One Dwelling Unit or More than a Single Lot Fronting an Unimproved Street.

Design loads shall be the same as for Case III in this chapter.

Section 1603B—Alterations or Repairs to Existing Driveway Bridges.

Section 1603B.1 Case V.

Existing driveway bridges may need repairs as their structural system or moisture barrier system is often inadequate. Plans with the permit submittal, including concrete deck removal to install new deck waterproofing, for driveway bridge repairs should show the existing structural system for the driveway bridge so its adequacy to the design criteria of this Section may be checked.

A structural evaluation by an architect or engineer of the structure based on the design load criteria of this chapter, as appropriate, shall be provided for any driveway bridge repair for a bridge that does not have documented structural calculations.

Section 1603B.2 Case VI.

If there are practical constraints on accomplishing repair work to a bridge with a history of adequate performance, the following alternative minimum prescriptive requirements for driveway bridge repairs, when approved by the Building Official, may suffice in lieu of a structural evaluation pursuant to this chapter:

Section 1603B.2.1 Prescriptive Requirements for Repairs Necessary Due to Faulty Waterproofing Where there is Damage to Framing and Subfloor Around the Perimeter of the Driveway Deck, but, Framing and Subfloor Within the Field of the Deck has No Damage or has Only Minor Damage.

These prescriptive requirements are as follows:

1. Remove concrete, replace damaged framing and subfloor as necessary. Install flexible waterproof membrane. Three and one half inches (3½") to four inches (4") thick concrete replacement slab shall have No. 3 deformed steel reinforcement placed at four inches on center at center or slightly below center of slab and perpendicular to joist framing with similar reinforcement placed at six inches on center parallel to joist framing on top of perpendicular reinforcement. In lieu of reinforcing bar, steel fiber or glass fiber reinforced concrete may be used.
2. If the existing driveway deck joist span is greater than ten (10) feet, a supplemental support wall shall be installed at approximately the center of the existing joist span. This

support wall shall include a "T" foundation as for a two story conventional foundation and a minimum ½ inch plywood shear panel applied to the support wall on at least one side.

3. Surface of concrete shall receive a concrete water sealant treatment in accordance with manufacturer's instructions.
4. Existing structure and details for this work shall be shown on drawings and approved by the Building Official.

Section 1603B.2.2 Prescriptive Requirements for Repairs Necessary Due to Faulty Waterproofing Where there is Damage to Framing and Subfloor, and, the Existing Subfloor is to be Removed and Replaced.

Since this repair will expose the joists, the existing deck framing can and shall be augmented. Prescriptive requirements for repairs shall be as follows:

1. Remove concrete, replace damaged framing, and augment existing framing by doubling two inch thick framing at twelve inches or less on center or four inch thick framing at sixteen inches or less on center. 2x framing more than twelve inches on center and 4x framing more than sixteen inches on center shall be tripled to provide additional support.
2. Replace damaged subfloor as necessary. Where 50% or more of the subfloor panels of the driveway deck are damaged and replaced, replace the damaged panels with minimum 1½" T&G plywood or minimum two layers of ¾" plywood subfloor. Additional plywood subfloor panels shall be added on top of the undamaged subfloor for a level subfloor.
3. Install flexible membrane waterproofing in accordance with manufacturer's instructions. Hot mopped conventional waterproofing shall not be utilized unless specifically approved prior to installation by the Building Official.
4. Three and one half inches (3½") to four inches (4") thick concrete replacement slab shall be reinforced with minimum No. 3 deformed steel reinforcement placed at four inches on center at center or slightly below center of slab and perpendicular to joist framing with similar reinforcement placed at six inches on center parallel to joist framing on top of perpendicular reinforcement. In lieu of reinforcing bar, steel fiber or glass fiber reinforced concrete may be used.
5. If the existing driveway deck joist span is greater than 10 feet, a supplemental support wall shall be installed at approximately the center of the existing joist span. This support wall shall include a "T" foundation as for a two story conventional foundation and a minimum ½ inch plywood shear panel applied to the support wall on at least one side. Surface of concrete shall receive a concrete water sealant treatment in accordance with manufacturer's instructions.
6. Existing structure and details for this work shall be shown on drawings and approved by the City.

Section 1604B—Wood Driveway Deck.

Where a new wood subfloor deck is used it shall be a minimum of 2x T&G boards or 1½ inch minimum T&G plywood subfloor.

Section 1605B—Waterproof Membrane.

A flexible membrane waterproofing shall be installed unless a solid inflexible substrate is provided for hot-mopped built-up waterproofing. The waterproofing membrane shall be suitable for the use intended and installed in accordance with the manufacturer's instructions.

Section 1606B—Public Right-Of-Way Encroachment.

The public right-of-way and any watercourse shall be clearly shown on the plans submitted for a permit. Any proposed or existing structure located within the public right-of-way and/or near a watercourse shall have an encroachment permit on file or one shall be issued, including appropriate fees, prior to building permit issuance. If the encroachment permit is denied, the proposed structure shall not be permitted.

Section 1607B—Zoning/Design Review.

If, as a result of alteration or repair work, the exterior appearance of any element of the structure, including guardrails, is proposed to be altered in such a way as to subject the project to Design Review, such changes shall first be approved by the Zoning Division.

**15.04.648** In Section 1704.1 of the California Building Code, replace Exception number 3 in its entirety with the following:

3. The provisions of California Health and Safety Code Division 13, Part 6 and the California Code of Regulations, Title 25, Division 1, Chapter 3, commencing with Section 3000, shall apply to the construction and inspection of factory-built housing as defined in Health and Safety Code section 19971.

**15.04.649** In Section 1704.4 of the California Building Code, delete Exception number 4 in its entirety.

**15.04.650** In Section 1704.8 of the California Building Code, add "...and connecting grade beams" after "Driven deep foundations..." in the section title.

**15.04.651** In Section 1704.9 of the California Building Code, add "...and connecting grade beams" after "Cast-in-place deep foundations..." in the section title and add "...and connecting grade beams" after "Helical pile foundations..." in the section title.

**15.04.652** In Section 1805.2.1 of the California Building Code, delete "Where installed beneath the slab," in the first sentence of the second paragraph.

**15.04.653** Delete Sections 1807.1.3 and 1807.1.4 of the California Building Code in their entirety.

**15.04.654** In Section 1807.1.6.1 of the California Building Code, after "...shall not be less than the thickness of the wall supported," insert "or 6", whichever is greater"

**15.04.655** In Section 1809.3 of the California Building Code, replace the first sentence with "The top surface of footings, foundations, and grade beams shall be level."

**15.04.656** Delete Sections 1809.8, 1809.9.2, 1809.11, and 1809.12 of the California Building Code in their entirety.

**15.04.658** In Section 1805.5 of the California Building Code, delete Table 1807.1.6.3(1) in its entirety.

**15.04.660** Add the following new Chapter 18B for requirements for Grading, Excavations, and Fills:

## Chapter 18B

### GRADING, EXCAVATIONS, AND FILLS

#### Section 1801B—Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as defined in this section unless otherwise required by the context. The singular shall be taken to mean the plural, and the plural shall mean the singular when required by the context of this chapter.

**APPLICANT** is the property owner and his authorized agents who apply for a Grading Permit pursuant to this chapter.

**BENCH** is a relatively level surface interrupting the slope of an excavation or embankment in sloping natural ground or cut or fill surfaces.

**BUILDING PERMIT** is a currently valid building permit issued by the City of Oakland.

**CITY** is the City of Oakland.

**CITY COUNCIL** is the City Council of the City of Oakland.

**CITY ENGINEER** is the Deputy Director, Community and Economic Development Agency, and his or her successor in title.

**CITY ADMINISTRATOR** is the City Administrator of the City of Oakland.

CIVIL ENGINEER is an engineer currently possessing an active license issued by the State of California for the practice of civil engineering.

CIVIL ENGINEER IN RESPONSIBLE CHARGE is that particular civil engineer whose signature appears on the initial Statement of the Engineer as submitted to the City with an application for a Grading Permit.

CLEARING & GRUBBING is site preparation for grading or construction by mechanical or manual means consisting primarily of, but not limited to, the removal of vegetation.

COMPACTION is the densification of fill by mechanical means.

CUT SLOPE is a finished or interim surface of graded material caused by the removal of existing soils which exist naturally or as the result of previous filling, dumping or other method of placement.

DIRECTOR OF CITY PLANNING is the Deputy Director, Community and Economic Development Agency, and his or her successor in title.

ELEVATION is the vertical distance above City of Oakland datum.

EROSION is the wearing away of ground surface due to natural action of the elements.

EXCAVATION is cutting, digging or moving of earth, rock or similar materials and includes the conditions resulting therefrom.

EXPANSIVE SOIL is those soils which are likely to cause damage to improvements such as streets, structures and buildings from their natural actions depending on water content.

FILL is the depositing or placing of earth, rock or similar materials, from the same or different site, and includes the conditions resulting there from.

GRADING is excavation or filling, or any combination thereof, and shall include the conditions resulting from any excavating or filling.

GRADING PERMIT is a currently valid grading permit issued by the City of Oakland.

HOLIDAY is New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

LAND DISTURBANCE is any moving or removing of the soil mantle or top six inches of soil, whichever is shallower, by manual or mechanical means whether or not that soil is removed from the site, when the disturbed site area is greater than ten thousand (10,000) square feet measured horizontally, for all purposes except gardening or agriculture.

LAND STABILITY PROBLEM AREA is any site where there is information available that indicates special consideration should be undertaken due to purported land stability problems on or in the vicinity of the site.

NATURAL PLANTING is the planting of varieties of plants which will survive under the natural conditions of graded areas without regular irrigation and maintenance after establishment.

PERMANENT EXCAVATION OR FILL is excavation or fill created other than as defined herein as "Temporary" excavation or fill.

PERSON includes an individual, business and any other legally constituted entity such as, but not limited to, a limited partnership, limited liability company, and a corporation.

PLANS are maps, sketches, profiles, construction drawings and specifications, or any combination thereof as required to adequately describe the work, all as prepared by a Civil Engineer, all in accordance with this Article. Plans shall also include grading plans, drainage plans, erosion control plans and sedimentation control plans.

PROTECTED TREES shall be as defined in Chapter 12.36 of the Oakland Municipal Code.

SEDIMENT is earth material deposited by water.

SOILS REPORT is a report prepared by a Civil Engineer which shall include, but is not limited to, field test results and observations regarding the nature, distribution and strength of existing soils and recommendations and conclusions for grading procedures and design(s) for corrective action if necessary (including specifications for doing the work).

SITE is all that contiguous parcel of land where grading is required to be accomplished under a permit.

SLOPE is an inclined ground surface, the inclinations or rate of slope of which is expressed as a ratio of horizontal distance to vertical distance, or as a percentage using a ratio of vertical distance to horizontal distance.

SUPERINTENDENT is the owner or that particular agent of the owner, who is fully responsible for the performance of the work required by this chapter.

TEMPORARY EXCAVATION OR FILL is an excavation or fill created as a temporary condition to accommodate construction of a structure authorized by a valid building permit, and which will not remain after completion of the work.

WATERCOURSE is a stream, stream bed, creek, canal, paved ditch, lake or other open drainage way as also defined in Chapter 9.16, Watercourses, of the Oakland Municipal Code.

WET (OR RAINY) SEASON is October 15th until April 15th inclusive.

Section 1802B.1 Permit—When Required.

No person shall do or cause any grading in private or public property without first having obtained a permit to do so from the City Engineer whenever such grading will result in any of the following:

1. The volume of excavation or fill will exceed fifty (50) cubic yards provided either:
  - a. the existing or the resulting rate of slope will exceed 20%; or
  - b. the vertical distance between the top and bottom of excavation or fill will exceed five feet at any location.
2. Any permanently unretained excavation or fill exceeding five cubic yards where the vertical distance between the top and bottom of the excavation or fill exceeds five feet at any location, disregarding benches; and the rate of slope of the surface exceeds 2 to 1 (2:1) for fill or 1.5 to 1 (1.5:1) for excavation, regardless of findings in the Soils Report.
3. An excavation or fill exceeding five cubic yards within fifteen (15) horizontal feet of any property line if the bottom of such excavation is below a line descending at a rate of slope of 2 to 1 from the existing ground surface at such property line, or if the top of such fill is above a line ascending at a rate of two to one from such property line, regardless of the findings in the Soils Report.
4. Grading in connection with a building, swimming pool, retaining wall or other structure where the vertical distance between top and bottom of the unretained slope will exceed five feet at any point, disregarding benches, when the cut slope exceeds 1.5 to 1 or the fill slope exceeds 2 to 1.
5. Any retained or unretained excavation or fill of any volume and height where the City has information of purported land stability problems on or in the vicinity of the site (i.e., "Land Stability Problem Area").
6. Any "Land Disturbance" where the rate of slope of the ground surface exceeds 20%. Grading of an emergency nature to safeguard life or property may be undertaken prior to the issuance of a Grading Permit.
7. If a grading permit is not otherwise required, the necessity for a grading permit involving ground slopes 20% or less and greater than 10%, where a Grading Permit would be required if the ground slope were greater than 20%, will be determined, for cause, by the City Engineer or his duly authorized representative.
8. The volume of excavation or fill will exceed five hundred (500) cubic yards on a parcel or contiguous parcels.

9. Grading, clearing or grubbing, or land disturbance activity that otherwise does not require a grading permit involves an area of one acre or more.

A separate permit shall be required for each non-contiguous site. One permit may cover both an excavation and a fill on the same site.

Section 1802B.1 Permit—When Not Required.

No permit shall be required pursuant to this chapter for any of the following:

1. Temporary excavations in a public street or public right-of-way for which a permit has been issued under Title 12 of the Oakland Municipal Code.
2. Any public agency which has a reciprocity agreement with the City of Oakland pursuant to work under this chapter.
3. An excavation below finished grade for a basement, footing, retaining wall, swimming pool or other structure authorized by a valid building or foundation permit, which excavation will be completely occupied by and retained by the structure, provided such excavation is conducted in accordance with the laws of the State of California relating to lateral support when the existing and finished ground slope will not exceed 10%.
4. A fill above existing grade, which fill will be retained by the exterior wall of a building, a retaining wall, swimming pool or other structure authorized by a valid Building Permit when the existing and finished ground slope will not exceed 10%.
5. Grading within a street to conform to elevations established by the City Engineer and for which a permit has been issued under the provision of Title 12 of the Oakland Municipal Code.
6. For test trenches, pits and borings done under the supervision of a Civil Engineer or Registered Geologist or Certified Engineering Geologist in accordance with the applicable regulations of the City of Oakland and the State of California.
7. Cemetery graves.
8. Water wells.
9. For work to be done under the Surface Mining and Quarrying Ordinance of the Oakland Municipal Code.
10. Gardening and agriculture.

Section 1802B.3 Permit—Items to Include in Application.

The application for a Grading Permit must include all of the following items in triplicate:

1. Application Form.
2. Vicinity Map, Site Map and Grading Plan.
3. Erosion and Sedimentation Control Plan, where required by the City Engineer.
4. Statement(s) of the Civil Engineer(s) in Responsible Charge.
5. Soils Report.
6. A landscape addendum to the erosion and sediment control plans by a licensed landscape architect when required by the Director of City Planning.
7. Proposed work schedule.
8. Deposit for review of the application in accordance with the current master fee schedule.
9. Itemized estimate of cost of work by a Civil Engineer.
10. Such other items as may be required by the City Engineer his duly authorized representative to aid in the understanding and review of the proposed grading work.
11. Proposed Dust Control Measures.

Section 1802B.4 Permit—Application Form.

The following information is required on the application form:

1. A description of the property in sufficient detail to permit its identification and general location.
2. The name(s) and address(es) and phone number(s) of the owner or owners of the property.
3. The reason for the grading.
4. Whether the grading is for the purpose of preparing the site for a subdivision under the provisions of the California Subdivision Map Act and Title 16 of the Oakland Municipal Code.
5. The name, address, telephone number and contractor's license number of the person or firm who will be doing the grading.
6. The names, addresses, and registration numbers of the Civil Engineer(s) in Responsible Charge who will direct the work, who prepared the grading plans and who will provide the testing and inspection of the work.

7. The amount in cubic yards of the proposed excavation and fill and the amount of the cumulative total of grading work.
8. The equipment and methods to be used in the work.
9. Whether any material will be hauled from or imported onto the site over public streets, and if so, the site from which or to which said material will be moved and the routes to be used.
10. The approximate starting and completion dates of the work to be covered by the Grading Permit.
11. An estimate of total cost of all work covered by the application.
12. Whether the grading is located within the Special Studies Zone, Seismic Hazard Zone, Flood Hazard Area, watercourse, or Land Stability Problem Area or a site containing expansive soils.
13. The signature of the owner or his authorized agent and the date of the application.

#### Section 1802B.5 Permit Application—Vicinity Map.

The vicinity map shall show the project site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, roads and other significant structures.

#### Section 1802B.6 Permit Application—Site Map Anti Grading Plan

The site map and grading plan shall be prepared by a Civil Engineer, are subject to approval of the City Engineer, and shall include all of the following:

1. A topographic and boundary survey of the site, as provided in Section 15.04.140 of this Code, for all sites to be graded containing up to and including five acres. Sites containing more than five acres shall have contours at intervals and a minimum scale subject to the approval of the City Engineer. Enough off-site contours shall be included to show how surface runoff of storm water will flow on to and off the site.
2. Proposed limits of cuts and fills, both temporary and permanent, and other earthwork clearly designated.
3. Proposed retaining structures.
4. Drainage Plan: to include existing, temporary, and final drainage facilities which shall be coordinated with erosion and sediment control plans. Supporting hydrology and hydraulic calculations for on-site and downstream systems shall be submitted when required.
5. Existing and proposed improvements to the site.

6. Existing off-site structures within fifteen feet of the site boundary and other off-site improvements which may be affected by the grading work.
7. Public and private easements of record.
8. A Soils Report, as hereinbefore defined, prepared by a registered design professional.
9. Typical sections of areas to be graded and profiles of all proposed traveled ways for vehicles and pedestrians.
10. Measures to be taken to protect against potential hazards arising during the progress of the grading work.
11. If the site is in the Special Studies Zone, the plan shall show any purported fault trace which may or does cross or affect the site to be graded.
12. All proposed corrective actions to be taken to alleviate existing site conditions detrimental to the improvements proposed including expansive soils, land stability problems, and seismic liquefaction and landslide.
13. The location of the base and diameter at breast height of all protected trees, and indication as to which protected trees, if any, may be subject to removal or damage during construction per Chapter 12.36 of the Oakland Municipal Code.
14. Any such additional items as required by the City Engineer to clarify or provide additional information which may be necessary to allow a complete review of the proposed work.

#### Section 1802B.7 Permit Application—Erosion and Sedimentation Control Plans.

Erosion Control and Sedimentation Control Plans shall be prepared by a Civil Engineer, are subject to approval of the City Engineer, and shall include all of the following:

1. Interim Measures.

The plans shall include interim erosion and sedimentation control measures to be taken during wet seasons until permanent erosion and sedimentation control measures can adequately minimize erosion, excessive storm water runoff and sedimentation measures.

The plans shall include all necessary measures to be taken to prevent excessive storm water runoff or carrying by storm water runoff of solid materials on to lands of adjacent property owners, public streets, or to watercourses as a result of conditions created by grading operations.

The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and

filter out sediment, and storm water retention basins. Off-site work by the Applicant may be necessary. The Applicant shall provide any off-site permission or easements necessary to present written proof thereof to the City Engineer. Erosion control work and sediment control work shall be coordinated with the grading work. A narrative description shall also be provided of measures to be taken, planting materials and specifications, and maintenance provision.

There shall be a clear notation that the plans are subject to changes as changing conditions occur. Calculations of anticipated storm water runoff and sediment volumes shall be included, if required by the City Engineer.

2. Permanent Measures.

The plans shall include permanent erosion and sedimentation control measures which shall be primarily oriented towards prevention of erosion and shall include, but not be limited to, such measures as permanent erosion control planting, paved ditches, planted swales, benches, storm drains, dissipation structures, rip rap, and storm water retention basins.

A narrative description shall also be provided of measures to be taken, specifications for planting materials, fertilizers, planting and maintenance procedures.

An estimate of the length of time which will be required for the planting to produce a permanent coverage which will be sufficient to provide the degree of erosion control protection for which it is designed.

Section 1802B.8 Permit Application Initial Statement(s) of the Civil Engineer(s) in Responsible Charge.

1. One Civil Engineer in Responsible Charge.

Where one Civil Engineer will be in responsible charge of the entire grading project, including, but not limited to the preparation of the grading plans, the exact following Initial Statement of the Engineer is required:

DATE

City Engineer

City of Oakland

Dalziel Administration Building

250 Frank Ogawa Plaza

Oakland, CA 94612

RE: Grading at (Same address as on application)

## INITIAL STATEMENT OF THE ENGINEER

I have been retained by \_\_\_\_\_ (Applicant) to be in responsible charge of the grading work at property referenced above. I will assume full responsibility, as responsibility is defined in Section 15.04.660 of the Oakland Municipal Code, for carrying out the following to the best of my knowledge and ability:

- a. Assuring that testing and inspection required for the work in progress and the completed work shall be accomplished in a timely and professional manner to determine whether all the work is being/was done in accordance with plans, schedule and specifications approved by the City Engineer.
- b. Notifying the Applicant, verbally and in writing (with a copy to the City Engineer), of any work not being performed in accordance with the approved plans, schedule and specifications.
- c. Notifying the Applicant, verbally and in writing (with a copy to the City Engineer), of any work not meeting the requirements of the approved plans and specifications.
- d. Notifying the Applicant, verbally and in writing, of the modifications(s) required in his performance and the necessary corrective measures to be taken to cure all deficiencies.
- e. Submitting an amended grading plan (through the Applicant) to the City Engineer for his review and approval for any significant changes caused by unforeseen conditions, along with a report setting forth the reasons for these changes and the recommended changes to the improvement plans necessitated by the amendments to the grading plan.
- f. Notifying the Applicant, verbally and in writing (with a copy to the City Engineer), of any portion of the grading work affected by the amended plans and shall recommend whether or not the Applicant should proceed with the work before the amended plans are approved by the City Engineer.
- g. Submitting in a timely manner upon the Applicant's satisfactory completion of the work under the permit, a Statement of Completion with the results of all tests and inspections attached thereto.
- h. Stating in writing, along with the Statement of Completion, that the interim erosion control and sediment control measures appear to be adequate if properly maintained until the permanent erosion control measures are fully established, if any are required.

If my services on the job are terminated, I will, at said time of termination, submit to the City Engineer a Statement of Partial Completion addressing the progress and conditions of all of the applicable items above and attach thereto the results of such inspections and tests which have been completed.

Signed:

\_\_\_\_\_

(Registered Civil Engineer)

License No. \_\_\_\_\_ Expiration; \_\_\_\_\_

2. Multiple Responsibility.

When the Civil Engineer in Responsible Charge is other than the Civil Engineer who prepared the approved grading plan, the following paragraph will be added to the letter in Item (1) above:

"I have examined the plans to be used for this work as prepared by (name and registration of Civil Engineer) dated and hereby approve and adopt them as to the portions concerning the work to be performed under this permit."

3. Divided Responsibility.

Where more than one Civil Engineer shall function as Civil Engineer in Responsible Charge and divide their responsibilities, each will submit in the exact text, the following Initial Statement of the Engineer:

DATE

City Engineer

City of Oakland

Dalziel Administration Building

250 Frank Ogawa Plaza

Oakland, CA 94612

RE: Grading at (Same address as on application)

INITIAL STATEMENT OF THE ENGINEER (DIVIDED RESPONSIBILITY)

I have been retained by \_\_\_\_\_ rule;(Applicant) to be in responsible charge of the portions of grading work enumerated below. I will assume full responsibility for carrying out the following to the best of my knowledge and ability (Each individual engineer shall enumerate and provide the portions of work he is to be responsible for).

If my services on the job are terminated, I will, at said time of termination, submit to the City Engineer a Statement of Partial Completion addressing the progress and conditions of all of the applicable items above and attach thereto the results of such inspections and tests which have been completed.

Signed:

\_\_\_\_\_

(Registered Civil Engineer)

License No. \_\_\_\_\_; Expiration \_\_\_\_\_

4. When those Civil Engineers in Responsible Charge, as specified in Item 3 above, are not the Civil Engineers who prepared the approved plan, each Civil Engineer in Responsible Charge shall add the paragraph shown in Item 2 above.

5. No Initial Statement(s) of the Engineer shall be accepted as complete until all responsibilities addressed in Item 1 above have been covered by one or more Civil Engineer(s) in Responsible Charge.

Section 1802B.9 Permit Application: Initial Statement(s) of the Civil Engineer(s) in Responsible Charge—Responsibilities Defined.

The responsibilities of the Civil Engineer(s) in Responsible Charge defined for purposes of this Article are defined as follows:

1. Inspection and Testing.

The Civil Engineer in Responsible Charge shall inspect the work in progress and perform such tests as may be necessary during the progress of the work to determine whether all grading work is done in accordance with the Plans and Specifications approved by the City Engineer. The City Engineer or his authorized representative may conduct unscheduled inspections of grading work in progress to assess whether such work poses a hazard to life and public or private property.

2. Substandard Performance; Notification of Applicant.

When the inspection and testing reveals that the work is not being properly performed, and/or all or any portion of the work does not meet with the requirements of the approved Plans, Schedule and Specifications, the Civil Engineer in Responsible Charge shall immediately notify the Applicant, verbally and in writing (with a copy to the City Engineer). The Civil Engineer in Responsible Charge shall also notify the Applicant of any modifications which are required in his performance and the necessary corrective measures to be taken to cure the deficiencies in the work.

3. Changes in the Approved Plans, Schedule and Specifications Due to Unforeseen Conditions.

If, during the progress of the grading work, the Civil Engineer in Responsible Charge finds it necessary to require significant changes due to unforeseen conditions, he shall submit (through the Applicant), amended Plans, Schedule and Specifications for the approval of the City Engineer. He shall also submit, at that time, a report setting forth the reason for the changes. The report shall also include any recommended changes to future improvement plans necessitated by the amended plan. The Civil Engineer in Responsible Charge shall also notify, verbally and in writing (with a copy to the City Engineer), the Applicant of any portion of the grading work affected by the amended plans and recommend whether or not work should proceed before the amended plans are approved by the City Engineer.

4. Upon completion of the grading work, the Civil Engineer in Responsible Charge shall submit in a timely manner a Statement of Completion. He or she shall, at that time, also state in writing that interim erosion and sedimentation control measures, where required by the City Engineer, have been taken and appear to be adequate until permanent erosion control planting is effectively established.

5. It shall not be the responsibility of the Civil Engineer in Responsible Charge to perform the direction or supervision of the personnel and equipment performing the actual grading work unless they are in the employ of the Civil Engineer in Responsible Charge.

6. It shall not be the responsibility of the Civil Engineer in Responsible Charge to supervise, direct, inspect, or test any improvements being constructed coincidentally with the grading work but not a part of the approved grading plan.

#### Section 1802B.10 Permit Application —Proposed Work Schedule.

The Applicant must submit a master work schedule showing the following information:

1. Proposed grading schedule.
2. Proposed conditions of the site on each July 15, August 15, September 15, October 1, and October 15, during which the permit is in effect.
3. Proposed schedule for installation of all interim drainage, erosion and sediment control measures including, but not limited to the stage of completion of erosion and sediment control devices and vegetative measures on each of the dates set forth in Subsection 2 above.
4. Schedule for construction of final improvements, if any.
5. Schedule for installation of permanent erosion and sediment control devices where required.

#### Section 1802B.11 Permit Application Itemized Estimate of Cost of Work by Civil Engineer.

Quantities and costs of all the work to be done under the Grading Permit shall be submitted by a Civil Engineer to aid in establishing values for security deposits or surety bonds which may be required. The actual value of security shall be determined by the City Engineer.

Section 1802B.12 Permit Application—Related to Special Studies Zones And Seismic Hazard Zones Designated by State Geologist (Geologic Report).

No Grading Permit shall be issued for any site in the Special Studies Zones or Seismic Hazard Zones designated by the State Geologist before a Geologic Report has been submitted and approved pursuant to the requirements of Chapter 15.20 of the Oakland Municipal Code. Said report and review shall be submitted as a part of the application for Grading Permit along with all other material required by this chapter.

Section 1802B.13 Permit Application—Related to Flood Hazard Area.

No Grading Permit shall be issued for any site located in a designated Flood Hazard Area unless the grading plan provides for mitigation measures relative to the projected flood hazard. The mitigation methods are subject to the review and approval of the City Engineer.

Section 1802B.14 Permit Application—Related to Expansive Soils Conditions.

No Grading Permit shall be issued for any site which is underlain by expansive soils unless the grading plan includes mitigation measures to prevent structural damages which may be caused by conditions due to expansive soils.

Section 1802B.15 Permit Application—Dust Control Measures.

"Best Management Practices," as developed by the City Engineer or an appropriate reference approved by the City Engineer, shall be used throughout all phases of construction. This includes any suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes.

Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming and sweeping or other means as necessary.

A Dust Control Plan may be required as a condition of permit issuance or at other times as deemed necessary to assure compliance with this section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

Section 1802B.16 Permit Application—Soils Report Contents.

All Soils Reports shall be based, at least in part, on information obtained from on-site testing. The minimum contents of a Soils Report submitted pursuant to this chapter shall be as follows:

1. Logs of borings and/or profiles of test pits and trenches.
  - a. Borings:
    - i. The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two, when in the opinion of the Soils Engineer such boring shall be sufficient to establish a soils profile suitable for the design of all footings, foundations and retaining structures.
    - ii. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
    - iii. All boring logs shall be included in the soils report.
  - b. Test Pits and Trenches:
    - i. Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
    - ii. Soils profiles of all test pits and trenches shall be included in the soils report.
2. A plat shall be included which shows the relationship of all borings, test pits and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.
3. Copies of all data generated by field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any such other information which may be required for the proper design of foundations, retaining walls and other structures to be erected subsequent to or concurrent with work done under the Grading Permit.
4. A written report which shall include, but is not limited to the following:
  - a. Site description.
  - b. Local and site geology.
  - c. Review of previous field and laboratory investigations on the site, if any.
  - d. Review of information on or in the vicinity of the site on file with the City Engineer, if any.

5. Site stability shall be addressed with particular attention to existing conditions and proposed corrective actions at locations where land stability problems exist.
6. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes and specifications for fills and pavement design as required.
7. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.
8. All other items which the Soils Engineer deems necessary.
9. The signature and registration number of the Civil Engineer preparing the report.
10. When the certification date by the Soils Engineer in Responsible Charge is more than three years old, the soils report be re-certified, or a new soils report shall be provided.

Section 1802B.17 Permit Application Referred to City Planning.

All applications for Grading Permits shall be referred to City Planning. City Planning shall report on any aspect of the proposed grading, excavation, or fill that relates to or affects the Oakland General Plan, and District or Area Plan, the zoning and subdivision regulations of the City, the preservation of natural scenic character, and any other environmental requirements, including the requirements of the California Environmental Quality Act.

Section 1802B.18 Permit Application Referred to City Planning Landscape Addendum to the Grading Plans.

A Landscape Addendum to the Grading Plans may be required at the discretion of City Planning. The landscaping plan, when required, shall be prepared by a licensed Landscape Architect to the current professional standards in landscape architecture and is subject to the approval of City Planning.

Section 1803B Report of City Planning—Time Limit for Review.

City Planning, upon completion of its investigation including review of the Landscape Addendum (when required) shall transmit its report and recommendations to the City Engineer and no permit shall be issued until such report has been received.

Section 1804B Permit—Conditions Upon Issuance.

In granting any permit under this chapter, the City Engineer may attach such conditions thereto as he deems reasonably necessary to safeguard life, public and private property, and to ensure that the work will be carried out in an orderly manner in conformance with all regulations and without creating a public nuisance; and he/she may add to, remove, or change such conditions from time to time during the duration of the permit as he/she deems reasonably necessary as a

result of changed conditions or otherwise. Such conditions may include, but shall not be limited to:

1. Limitations on the hours of operations, days of operations or the portion of the year in which the work may be performed.
2. Restrictions as to the size and type of equipment to be used.
3. Prohibition or restriction on the use of explosives.
4. Designation of the routes over which the materials may be transported.
5. Requirements as to the suppression of dust and prevention against spilling or tracking of dirt, and the prevention of excessive noise or other results offensive or injurious to the neighborhood and the general public, or any portion thereof.
6. Regulations as to the use of public streets and places in the course of the work.
7. Regulations for the repair and cleaning of streets and other public facilities if their safe, operable, and clean condition has been jeopardized.
8. Requirements for safe and adequate drainage of the site.
9. A requirement that approval of the City Engineer be secured before any work which has been commenced, may be discontinued.
10. A requirement that personnel and equipment be provided at the site during storms to prevent damage to other property from flooding or the depositing of material washed from the site.
11. Requirements for fences, barricades or other protective devices.
12. Requirements pertaining to reshaping and planting the site, including the time limit for such work.

**Section 1805B.1 Statement of Completion of Civil Engineer(s) in Responsible Charge - Final Completion.**

Within fourteen (14) calendar days after completion of the work authorized by the Grading Permit, the Civil Engineer(s) in Responsible Charge shall provide the following Statement of Completion in his/her areas of responsibility with respect to the Grading Permit in writing. The grading work under any permit shall not be considered complete until each of the following items have been addressed by the Civil Engineer in Responsible Charge, who shall file with City Engineer a written statement stating that said items have been completed and/or are true to the best of his/her knowledge and belief:

1. Her/his/their appropriate portion of grading work has been done in accordance with the plans and amended plans prepared or adjusted by her/him and approved by the City Engineer. All modifications made by the Civil Engineer in Responsible Charge shall be specifically set forth in the Statement of Completion.
2. In the Civil Engineer's opinion, the finish graded slopes in the subject area are in a stable condition.
3. Where required by the City Engineer, interim and/or permanent erosion and sedimentation control measures have been taken, and that where interim measures have been taken, they will adequately control erosion and sedimentation if properly maintained, until permanent erosion control planting is effectively established.
4. The magnitude of the total settlements and differential settlements which are likely to occur, the allowable loads of bearing pressures which may be imposed, and stating that compaction is adequate for the uses proposed for the property and adequate to develop the recommended bearing pressures.
5. Any limitations which should be imposed on the development of the property because of soil conditions and amendments to the approved grading plan.
6. The Civil Engineer(s) in Responsible Charge shall also submit with the above items, all documentation necessary to support her/his/ their Statement(s) of Completion (i.e., records of inspections, tests, observations, etc.).

#### Section 1805B.2 Statement of Completion of Civil Engineer(s) in Responsible Charge Partial Completion.

When, in the estimation of the City Engineer, an entire grading project cannot be completed before phased construction may proceed on structural foundations or retaining structures in order to provide for the public and private welfare, safety and convenience, the City Engineer may require the Civil Engineer in Responsible Charge to submit a partial written statement addressing the satisfactory completion of those items. Separate building permits shall be required for the necessary structures. The total grading work shall be addressed in Statement of Completion prior to final inspection of any structures.

#### Section 1805B.3 Statement of Completion of Civil Engineer(s) in Responsible Charge—Responsibility Changes Hands.

In all grading operations, if one Civil Engineer in Responsible Charge's services are terminated and another Civil Engineer in Responsible Charge assumes the responsibility for the remainder of the work, each Civil Engineer shall immediately file the Statement of Completion with respect to the portion of the work for which she/he is responsible and stating what work was completed and what work was improperly or inadequately done at the time of the termination of her/his responsibility. No grading work shall proceed unless the Civil Engineer in Responsible Charge

takes the responsibilities, and the City Engineer shall suspend any permit when the grading work is not under the responsibility of a Civil Engineer in Responsible Charge approved by the City.

#### Section 1805B.4 Statement of Completion of Civil Engineer(s) in Responsible Charge—Grounds for Denial of Building Permit.

When a Grading Permit is issued on a site, the Building Official shall be notified that no Building Permit for the construction or repair of any structure on the property shall be issued until Statement(s) of Completion covering the completed grading work has/have been filed, unless the issuance of a Building Permit is required to allow construction of retaining walls or other structures designed in accordance with the Oakland Building Construction Code in order to allow completion of the grading work, in which case a cash bond may be required to guarantee the filing of Statement(s) of Completion covering the completed grading work.

#### Section 1805B.5 Statement of Completion of the Civil Engineer(s) in Responsible Charge—Related to Final Inspection and Certification of Occupancy.

No Final Inspection, as required by the Oakland Building Construction Code, shall be made and no Temporary Certificate of Occupancy or Certification of Occupancy shall be issued by the Building Official for any structures located on a site for which a Grading Permit has been issued prior to the acceptance by the City Engineer of the Statement of Completion of the Civil Engineer in Responsible Charge. The City Engineer may reject a Statement of Completion which, in her/his judgment, does not adequately meet the requirements of this chapter.

#### Section 1806B Responsibility for Performance of Grading Work.

The Permittee shall bear full responsibility for the performance and maintenance of the work in accordance with the approved Plans, Schedule, Conditions and Specifications and any approved modifications thereof, and also shall bear full responsibility for accomplishing the work in accordance with the recommendations of the Civil Engineer in Responsible Charge during the progress of the work. The Permittee shall be present at all times work is in progress and shall be completely responsible for the supervision and direction of all personnel and equipment performing work under the Grading Permit.

#### Section 1807B Applications and Permits—Time of Validity.

1. Applications for grading permits shall expire 180 days after the date of application. One extension of the application may be requested for not more than 180 additional days (one year total from the date of application). Fees as established in the master fee schedule shall be paid at the time of application submittal and extension request.
2. Grading permits shall expire when the work has not commenced within 180 days from the date of issuance of the grading permit or when the work has not been completed within one year following the date of commencement.

3. No grading work shall occur during the grading moratorium (wet season). Temporary shoring or permanent retaining structures shall be installed before commencement of the grading moratorium (wet season). The Civil Engineer in Responsible Charge shall show what actions will be implemented to eliminate any dangerous conditions which may result from the incomplete grading work, or shall state no such actions are necessary. The addendum shall bear the Civil Engineer's signature and registration number.

#### Section 1808B Grounds for Denial—Hazard.

The City Engineer shall deny a permit for any violation of this Code, other laws, rules and regulations in effect in the City, or whenever, in her/his judgment, the proposed work will directly or indirectly create a hazard to human life or endanger public or private property. If, in the opinion of the City Engineer, the danger or hazard can be eliminated by the erection or installation of protective devices or by performing the work in a particular manner approved by the City Engineer, the City Engineer may grant a permit upon conditions that the protective and precautionary work or manner of performing the work, as approved, shall be used.

#### Section 1809B Grounds for Denial—Disinterested Civil Engineer in Responsible Charge.

In all cases where a Grading Permit is required, to prevent potential conflicts of interest and to assure that inspection and testing of the grading work is performed by a disinterested party, neither the owner of the property nor the builder who is to construct the improvements on the property or perform the grading work, shall be the "Civil Engineer in Responsible Charge" that provides any "Statement of Engineer" pursuant to the requirements of this chapter.

#### Section 1810B General Requirements Applicable for All Grading Work Unless Modified by the City Engineer.

The following shall apply to all grading work:

1. Grading, erosion control and sedimentation control work shall be done in accordance with plans hereinbefore described.
2. No grading work shall be done during the wet season except for emergency stabilization of geotechnical instability.
3. Temporary erosion and sedimentation control facilities shall be completely in place prior to October 15th, and shall be diligently maintained to ensure effectiveness through April 15th.
4. The hours of grading operations shall be only between 7:00 a.m. to 9:00 p.m. weekdays, 8:30 a.m. to 6:00 p.m. Saturdays, and prohibited on Sundays and Holidays unless otherwise approved by the City Engineer. Exceptions will only be granted if it can be shown that there is a compelling public interest to grade during prohibited times.
5. No clearing and grubbing shall take place on any site for which a Grading Permit is required prior to the issuance of a valid Grading Permit.

6. Where required, a valid Tree Removal Permit must be obtained prior to the issuance of a Grading Permit. No tree removal shall take place until both Tree Removal Permit and a Grading Permit, if required, has been issued.

7. No grading shall be approved on properties adjacent to the site without the written permission of the adjacent property owner. Such written permission shall be notarized and acknowledged and presented to the City Engineer as a part of the items required with the application for a Grading Permit.

8. The rate of slope of the surface of permanent fills shall not be steeper than 2 to 1 and the rate of permanent cut slopes shall not be steeper than 1.5 to 1, unless otherwise recommended in the Soils Report and approved by the City Engineer.

9. Areas to receive fill shall be adequately prepared by stripping unsuitable material and by benching slopes. Where past sliding is known or suspected or where unstable material exists, all such unstable material shall be stripped, with slip surfaces destroyed by benching and subdrainage installed before the fill is placed.

10. Drainage facilities shall be provided to convey stormwater to a natural watercourse, swale or other drainage way, or to a public storm drainage system at locations and in a manner satisfactory to the City Engineer. Adequate temporary measures shall be taken to control stormwater during grading operations.

11. Erosion control shall include planting of all graded areas to be left exposed to the elements in accordance with the planned maintenance of such areas.

12. No grading shall be done which will cause sloughing of materials from or onto adjoining property.

#### Section 1811B.1 Security—Grading Performance.

A performance security shall be required for every grading permit issued under this chapter. A minimum of one thousand dollars (\$1,000) or two percent (2%) of the Civil Engineer's estimate of cost of grading work, whichever is greater, shall be provided in cash or cashier's check. The total amount of the security shall be determined by the City Engineer after consideration of the estimated cost of the work, the possible consequences of non-completion, particularly with respect to adjacent properties, public safety and any other relevant factors. The minimum security required shall be one hundred percent (100%) of the engineer's estimate of cost of grading work. The form of the security shall be cash, cashier's check, approved surety bond (for an indefinite duration), irrevocable letter of credit, or other liquid financial instrument approved by the City Engineer.

The security shall remain in full force and effect until the Statement of Completion has been accepted by the City Engineer. The security shall obligate the principal, his or her executors, administrators, successors and assigns, jointly and severally, with the surety, and shall inure to

the benefit of the City and to any person aggrieved by the principal's (owner/applicant's) failure to comply with the conditions thereof.

The security shall be conditioned on the faithful performance of the work under the Grading Permit and the immediate abatement of the hazards above-named. Failure of the person to whom the permit is issued to abate such hazard(s) in a timely manner shall result in Summary Abatement.

#### Section 1811B.2 Security—Erosion and Sedimentation Control Performance.

Where erosion and sedimentation control work is required as a part of the approved grading plan, the City Engineer may require such work to be secured either separately from, or along with, any grading security which may be required.

The Erosion and Sedimentation Control security shall be conditioned on the performance of the erosion and sedimentation control portion of the approved grading plan and shall remain in full force and effect during the "Wet Season" or such other time period which shall be determined by the City Engineer.

#### Section 1811B.3 Security—Term and Completion.

The term of each security shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the City Engineer of all of the terms and conditions of the permit for the work. Such completion shall be evidenced by a statement thereof signed by the City Engineer.

#### Section 1812B.1 Notice of Default—General.

Whenever the City Engineer finds that a default has occurred in the performance of any term of condition of any permit, written notice thereof shall be given to the contractor, property owner, and the surety of the security. Such notice shall state the work to be done and the period of time deemed by the City Engineer to be reasonably necessary for the completion of the work.

The Owner shall have fourteen (14) calendar days from the date of service of the Notice of Default to comply with same or to appeal to the Hearing Examiner. In an emergency, the City Engineer shall have the authority to take action three calendar days after service of the Notice, and to use liquid funds of the security to initiate remediation actions.

#### Section 1812B.2 Notice of Default—Duty of Surety.

After fourteen (14) calendar days from the date of service of a Notice of Default, the surety shall cause the required work to be performed expeditiously and within the time therein specified or, failing therein, pay to the City the estimated cost of completing the work, as determined by the City Engineer, but not to exceed the principal sum of the security.

#### Section 1812B.3 Notice of Default—Right of Entry.

In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on his behalf shall have the right to enter upon the premises to complete the required work or make it safe. Representatives of the City shall have the right to enter upon the premises during the course of the work or upon completion to check for compliance with the terms or conditions of the permit and the provisions of this chapter.

#### Section 1812B.4 Notice of Default—Performance Interference Prohibited.

No person shall interfere with or obstruct the ingress or egress to or from any such premises by an authorized representative or agent of any surety or of the City engaged in completing the work required to be performed under the permit, checking on compliance of the work with the terms or conditions of the permit and the provisions of this chapter, or taking emergency actions deemed necessary for the protection of the public and adjoining properties.

#### Section 1813B Violation and Abatement.

Violations of this chapter shall be abated by the City and costs, fees, penalties, and accruing interest for abatement shall be assessed by the City and collected in accordance with the provisions of Chapters 1.08, 1.12, and 15.08 of the Oakland Municipal Code.

#### Section 1814B Erosion and Sedimentation Control.

##### Section 1814B.1 Responsibility for Preventative Measures to Control Erosion and Sedimentation.

Any person who performs grading, clearing and grubbing or other activities that disturb the existing soil shall take appropriate preventative measures to control erosion, sedimentation of eroded materials onto adjacent lands, public streets or rights-of-way, or carrying of eroded materials to any watercourse by any route. The person in possession and the owner of the property on which the soil is disturbed are responsible to perform necessary preventative measures to control erosion and sedimentation.

##### Section 1814B.2 Preventative Measures to Control Erosion and Sedimentation.

Preventative measures shall be those prescribed in the "Manual of Standards for Erosion and Sediment Control Measures" of the Association of Bay Area Governments and as subsequently amended. Preventative measures shall include both interim and permanent measures to control erosion and sedimentation.

Interim preventative measures shall be taken during the period October 15 to April 15 until permanent control measures are complete and effective. Interim measures shall include, but not be limited to, waterproof slope covering, drainage ditches around slopes, short-term control planting, slope benching, rip-rap, storm drains and energy dissipation structures.

Permanent preventative measures shall include, but not be limited to, completion of buildings, walls or other structures, permanent planting, paved ditches, slope benching, rip-rap storm drains, paving and energy dissipation structures.

The City Engineer may require an erosion and sedimentation control plan prior to issuance of any building permit on lots where the conditions of lot location, configuration or contour may result in increased problems of erosion or sedimentation control.

#### Section 1814B.3 Classification of Erosion and Sedimentation Conditions as Constituting a Hazard.

Any grading, clearing and grubbing or other activities that disturb the existing soil so that erosion, sedimentation of eroded materials onto adjacent lands, public streets or rights-of-way or carrying of eroded materials to any watercourse occurs, such activities shall constitute an dangerous condition and shall be abated as set forth in this chapter.

#### Section 1815B Discharge of Concentrated Flow.

##### Section 1815B.1 General.

Except as established in this Section, it shall be unlawful for anyone to discharge or channel concentrated flow of storm water onto neighboring property.

##### Section 1815B.2 Methods.

Approved methods of discharge may be achieved in the following ways:

1. Drain to Streets.

For property located on an improved street which abuts the property frontage, storm water may drain to the public right-of-way when directed under the sidewalk in accordance with the Oakland Municipal Code. If the property is located on an unimproved street, the property owner shall submit, for approval by the City Engineer, a detail showing how storm water discharges to the street. The drainage detail shall show the size and type of conduits, the points where conduit day-lights on the slope, and the type and location of slope protection.

2. Dissipation of Storm Water within the Property Boundaries.

The dissipater system shall be designed by a Civil Engineer and shall not be closer than fifteen (15) feet from a property line. The system shall be approved by the City Engineer prior to construction. A Special Inspection letter shall be submitted to the City Engineer and approved prior to issuance of a Temporary Certificate of Occupancy or a Certificate of Occupancy.

3. Pumping of Storm Water to a City Approved Means of Disposal

Storm water may be collected in a catch basin and discharged by a pump to the street surface.

4. Discharging Storm Water to a Public Storm Sewer System.

The connection shall be designed by a licensed professional and approved by the City Engineer. A permit issued by the Building Official for direct connection to the public storm sewer system shall be required. Granting of such permit shall be a discretionary action.

**15.04.662** In Section 1908.1.8 of the California Building Code, delete subsection (a) in its entirety and delete the exceptions to subsection (b) and subsection (c) in their entirety.

**15.04.664** In Section 1909.2 of the California Building Code, delete "Walls and..." from subsection number 3.

**15.04.666** In Section 1909.4 of the California Building Code, delete "...walls..." from the sentence beginning "Structural plain concrete...", and also delete the Exception in its entirety.

**15.04.668** Delete Section 1909.6 of the California Building Code in its entirety.

**15.04.669** In Section 2304.7.1 of the California Building Code, delete 2304.7(1) and 2304.7(2) after "Floor sheathing conforming to the provisions of Table..." in the second paragraph.

**15.04.670** In Section 2304.7.2 of the California Building Code, delete 2304.7(1) and 2304.7(2) after "Roof sheathing conforming to the provisions of Table..." in the second paragraph.

**15.04.671** Delete Section 2304.9.5.2 of the California Building Code in its entirety.

**15.04.672** After item 4, add item 5: "Anchor bolts are spaced no further than 48" in a direction parallel to the sill plate."

**15.04.673** In Section 2306.4, replace the following "...Seismic Design Category E or F." with "...Seismic Design Category D, E, or F."

**15.04.674** In Section 2308.3.3 of the California Building Code, at the end of the second sentence, delete the phrase, "...for structures over two stories above grade plane."

**15.04.676** In Section 2308.6 of the California Building Code:

- A. In the third sentence beginning with "Foundation plates or sills...", replace "½-inch diameter (12.7mm) steel bolts" with "5/8"-inch diameter (15.9mm) steel bolts".
- B. In Section 2308.6, in the fourth sentence beginning with "Bolts shall be...", replace "6 feet (1829mm) apart" with "4 feet (1219mm) apart, and adequately secured in-place by an approved method before placement of concrete or grout."

**15.04.677** In Section 2406.3, item 5 of the California Building Code, add "...or within 3 feet measured horizontally of such fixtures or compartments..." in the second sentence after the phrase "...a building wall enclosing these compartments...".

**15.04.678** In Section 2509.3 of the California Building Code, add the following:

- A. a new note as follows: "4. As backing board for glue-on thinset tile".
- B. a new second paragraph as follows:

The following typical installations for walls in showers and water closets are acceptable pursuant to this section. All of the following finishes shall extend a minimum of seventy inches above the adjacent tub or shower drain. Joint and nail treatment and installation shall be pursuant to specific manufacturer's installation instructions.

- 1. Marble Finish
  - a. No building paper on stud face.
  - b. Water-resistant gypsum backing board with nailing inspection required.
  - c. Glued-on marble or marble equivalent
- 2. Thinset and Glue-on Tile
  - a. Building paper on stud face.
  - b. Cementitious backer unit (CBU) installed in accordance with manufacturer's instructions. Instructions on jobsite at time of inspection.
  - c. Tile (thinset or glue-on).
  - d. Finish grout.
- 3. Tile
  - a. No building paper on stud face.
  - b. Water-resistant gypsum backer board (greenboard).
  - c. Paper/lath with inspection required
  - d. Scratch coat
  - e. Tile installation
  - f. Finish grout
- 4. Fiberglass kits (does not include solid one-piece units) which have been approved by I.A.P.M.O. (or other approved testing and listing agency) for use in tub/shower walls
  - a. No building paper on stud face.
  - b. Water-resistant gypsum backer board (greenboard) with inspection required.
  - c. Fiberglass kit installation per manufacturer's instructions with instructions available to inspector on the jobsite.

**15.04.679** In Section 3201.4 of the California Building Code, replace this section in its entirety with the following:

3201.4 Site drainage.

Surface, subsurface, potable, and equipment drainage water shall be conveyed in an approved manner to an adequate and approved downstream transportation facility.

In Section 3202.1 of the California Building Code, replace this section in its entirety with the following:

3202.1 Encroachments below grade.

Encroachments into the public right-of-way below grade shall conform with the requirements of Oakland Municipal Code Chapter 12.08.

In Section 3202.2 of the California Building Code, replace this section in its entirety with the following:

3202.2 Encroachments above grade.

Encroachments into the public right-of-way above grade shall conform with the provisions of Chapter 12.08 of the Oakland Municipal Code and as provided for in Sections 3202.2.1 through 3202.2.3.

3202.2.1 Doors.

Doors shall not swing over the public right-of-way in any position by more than twelve (12) inches.

3202.2.2 Signs.

Encroachments of signs over the public right-of-way shall conform with the provisions of the Oakland Sign Code.

3202.2.3 Unenclosed balconies, architectural features, awnings, canopies.

Unenclosed balconies, architectural features, canopies over entrance doors, and awnings over windows may cantilever over the public right-of-way by not more than one inch horizontally for each one inch of vertical clearance exceeding eight feet, measured from the higher of finished grade or public walking surface to the lowest overhead element of the encroachment. The encroachment shall not project more than four feet. Projecting structural elements shall be fire-resistive construction or noncombustible.

**15.04.680** In Section 3305.1 of the California Building Code, replace "...the California Plumbing Code" with "...Section 15.04.070 of this Code".

**15.04.681** In Section 3307.1 of the California Building Code, replace the fourth sentence beginning with "The person making or causing an excavation..." in its entirety with the following:

"Adjoining property owners shall be provided adequate notice of pending excavation and sufficient time allowance for completing protective measures, and their buildings and structures shall be provided adequate subjacent support in accordance with the provisions of California Civil Code Section 832."

**15.04.682** In Section 3401.2 of the California Building Code, replace this section in its entirety with the following:

"Buildings, structures, portions thereof, and fire-protection, detection, and alarm systems shall be maintained in accordance with the Oakland Building Maintenance Code and the Oakland Fire Code."

**15.04.683** In Section 3401.4.3 of the California Building Code, delete the word "Replacement" in the section title and in the first sentence.

**15.04.684** In Section 3403.1.1 of the California Building Code, delete the word "Replacement" in the section title and in the first sentence.

**15.04.685** In Section 3404.1 of the California Building Code, replace this exception 1 in its entirety with the following:

"Where the partial repair of a stairway, guardrail, or handrail does not exceed 33% of the existing section of repaired elements, and the existing section is in accordance with the code that was current at the time of original construction, and the existing section does not continue or exacerbate an unsafe condition, then the repair may match the existing construction. Repairs to existing stairways with masonry or concrete surfacing exceeding four inches in thickness and supported by wood framing may conform with the provisions of this section.

If the repair of the wood framing does not exceed 33% of the existing wood frame section being repaired, and the masonry or concrete surfacing is in sound condition with nothing more than shrinkage cracks, and the rise and run of the stairway are in accordance with the code that was current at the time of original construction, and the stairway has positive drainage and has not settled excessively towards or away from the building; and the existing section does not continue or exacerbate an existing condition, the repair may match the existing construction.

All replacement of the wood framing supporting the masonry or concrete surfacing shall be factory pressure preservative treated. All replacement wood framing within six inches of the ground shall be pressure preservative treated approved for direct ground contact. All end field cuts of pressure preservative treated wood shall be properly treated with preservative."

**15.04.686** In Section 3404.1.1 of the California Building Code, delete the word "replacement" in the first sentence.

**15.04.687** In Section 3405.1.2 of the California Building Code, delete the word "replacement" in the first sentence.

**15.04.688** In Section 3406 of the California Building Code, delete Section 3406.1.1, Section 3406.1.3, Section 3406.1.4, Section 3406.2, Section 3406.3, and Section 3406.4 in their entirety.

**15.04.689** In Section 3408.1 of the California Building Code, delete the sentence beginning "Subject to the approval of the Building Official..." in its entirety.

**15.04.690** In Section 3408.3 and Section 3412 of the California Building Code, delete these two sections in their entirety.

**15.04.691** In Section 3408.4 delete the first sentence and replace with "When a change is made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, the structure shall conform to the seismic requirements for a new structure."

**15.04.692** In Section 3411.4.1, delete this section in its entirety and replace with, "Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with the requirements of Chapter 11A or 11B as applicable for new construction.

**15.04.693** In Section 3411.4.2, delete this section in its entirety and replace with, " Where an entire building undergoes a change of occupancy, it shall comply with Chapter 11A or 11B as applicable for new construction.

**15.04.694** In Section 3411.5, delete the second sentence beginning with "An addition that affects..." in its entirety.

**15.04.695** Delete Sections 3411.6, 3411.7, 3411.8, and 3411.9 in their entirety.

**15.04.696** Adopt Appendix I - Patio Covers of the California Building Code in its entirety.

**15.04.697** Add the following new Chapter 3B for Joint Living and Work Quarters:

Chapter 3B

USE AND OCCUPANCY

Division 1

Requirements for Joint Living and Work Quarters

Group F — Division 7 and 8

Group R — Division 7, 7.1, and 8

SECTION 3B.1 — General.

Section 3B.1.1 Purpose.

The purpose of this division is to provide alternative building standards and minimum standards of safety for commercially/industrially-oriented and residentially-oriented Joint Living and Work Quarters (JLWQ) purposes pursuant to California State Health and Safety Code (SCHSC) Section 17958.11. For clarification purposes, portions of Health and Safety Code Section 17958.11 is repeated as follows:

"(a) Any city or county may adopt alternative building regulations for the conversion of commercial or industrial buildings, or portions thereof, to joint living and work quarters. As used in this section, "joint living and work quarters" means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which include: (1) cooking space and sanitary facilities in conformance with local building standards adopted pursuant to CSHSC Section 17958 or 17958.5 and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein...

It is the intent of the (California) Legislature that local governments have discretion to define geographic areas which may be utilized for joint living and work quarters and to establish standards for such occupancy, consistent with the needs and conditions peculiar to the local environment. The Legislature recognizes that building code regulations applicable to residential housing may have to be relaxed to provide joint living and work quarters in buildings previously used for commercial or industrial purposes."

#### Section 3B.1.2 Scope.

The provisions of this division shall apply to and may be used only for buildings or portions thereof originally designed for commercial or industrial purposes that have received City Planning approval for use as Joint Living and Work Quarters (JLWQ). City Planning approval shall be pursuant to Section 17.102.190 of the Oakland Planning Code or other City Planning approval indicating that the proposed use is consistent with California State Health and Safety Code Section 17958.11.

#### Section 3B.1.3 Applicability of City Planning and other Criteria for Joint Living and Work Quarters.

As provided in California Health and Safety Code Section 17958.11 and the Oakland Planning Code, the residential occupancy of joint living and work quarters is an accessory use to its primary use as a place of work. Accordingly, the provisions of this division shall apply only to buildings or portions of buildings that meet the following criteria:

1. The minimum floor area of an individual JLWQ shall be 660 square feet.
2. A minimum of 67% of the floor area of an individual JLWQ shall be designated as work area and the remainder shall be designated as residential area pursuant to paragraph 3 below. Up to 25% of the designated work area may be used for dual purposes such as telephoning, drawing, accounting, reading, planning, development of work projects, and sanitary facilities.

3. The areas of an individual JLWQ used for living, sleeping, eating, and cooking (habitable space) shall be designated as residential area. The residential area shall be secondary to the work area and shall not exceed 33% of the floor area of the individual JLWQ.

4. In an individual JLWQ, a designated residential area of up to 300 square feet may provide residence for no more than two persons. An additional resident can be accommodated for each additional 150 square feet of designated residential area. No individual JLWQ shall accommodate more than 10 persons regardless of the size of the designated residential area.

EXCEPTION: Residentially-Oriented Live-Work in the Urban Core may be in compliance with Planning Approval pursuant to interim measures adopted by the City Council or other City Planning approval as applicable.

#### Section 3B.1.4 Applicability of other Provisions.

Except as specified within this division, JLWQ that are commercially/industrially-oriented shall meet all applicable provisions of this code as for an F-1 Occupancy and JLWQ that are residentially-oriented shall meet all applicable provisions of this code as for an R-2 Occupancy apartment residential dwelling unit.

#### SECTION 3B.2 — Definitions.

##### Section B.2.1 Joint Living and Work Quarters (JLWQ).

Joint Living and Work Quarters are defined in Section 17.102.190(b) of the Oakland Planning Code, which is repeated here for clarification purposes as follows:

"Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) Cooking space and sanitary facilities which satisfy the provisions of other applicable codes, and (2) Adequate working space reserved for, and regularly used by, one or more persons residing therein."

Section 3B.2.2 Joint Living and Work Quarters shall meet all of the criteria of Section 3B.1.1.

##### Section 3B.2.3 Commercially/Industrially Oriented JLWQ.

A single-tenant space combining working and living uses with or without interior walls where the work use is the same as a use that by itself would be classified as a Group F, Division 1 or Division 2 Occupancy or as a Group B Occupancy (excluding drinking and dining establishments and food handling activities with on-site food sales and excluding certain business occupancies similar to animal hospitals, kennels, pounds; automobile and other motor vehicle showrooms; banks; car washes; civic administration; outpatient clinic and medical offices; dry cleaning or laundry pick-up and delivery stations and self-service; fire stations; police stations; and post offices), and where the residential use is the same as one that by itself

would be classified as a Group R, Division 2 or 3 Occupancy. A Commercially/Industrially-Oriented JLWQ consists of a Designated Work Area and a Designated Residential Area.

#### Section 3B.2.4 Residentially Oriented JLWQ.

A single-tenant space combining working and living uses with or without interior walls where the residential use is the same as a use that by itself would be classified as a Group R, Division 2 Occupancy, and where the work use, by itself, is no more hazardous than that which is normally permitted in residential facilities, and the work use is the same as one that by itself would be classified as a Group B Occupancy (excluding drinking and dining establishments and food handling activities with on-site food sales and excluding certain business occupancies similar to animal hospitals, kennels, pounds; automobile and other motor vehicle showrooms; banks; car washes; civic administration; outpatient clinic and medical offices; dry cleaning or laundry pickup and delivery stations and self-service; educational occupancies above the 12th grade with more than ten occupants; fire stations; police stations; and post offices) and Group F, Division 1 Occupancy. Work uses classified as Group F, Division 2 Occupancies, when the scale and intensity of the activity is limited, may be permitted if a request in approved form and content for alternate materials, alternate design and methods of construction is submitted to and approved by the Building Official. A Residentially-Oriented JLWQ consists of a Designated Residential Area and a Designated Work Area.

#### Section 3B.2.5 Residentially Oriented Live-Work in the Urban Core.

A change of use of an existing commercial and non-residential use to a residentially-oriented JLWQ in the Central Business District designation of the Planning Regulations General Plan or other designation as determined by the Planning Division in accordance with the Planning Regulations.

#### Section 3B.2.6 Designated Residential Area.

The portion of an individual space that is designed and used for living, sleeping, eating, and cooking by one or more persons who also work in the Designated Work Area of that space. It is considered Habitable Space.

#### Section 3B.2.7 Designated Work Area.

The portion of an individual space that is designed and used for work purposes by one or more persons residing in the Designated Residential Area of that space. It is not considered Habitable Space.

#### Section 3B.2.8 Group F, Division 7 Occupancy.

Commercially/industrially oriented Joint Living and Work Quarters.

#### Section 3B.2.9 Group F, Division 8 Occupancy.

Commercially/industrially oriented Joint Living and Work Quarters that meet current code with allowance for certain specific equivalent alternatives.

Section 3B.2.10 Group R, Division 7 Occupancy.

Residentially-oriented Joint Living and Work Quarters.

Section 3B.2.11 Group R, Division 7.1 Occupancy.

Residentially-oriented live-work (Joint Living and Work Quarters) in the Urban Core.

Section 3B.2.12 Group R, Division 8 Occupancy.

Residentially-oriented Joint Living and Work Quarters that meet current code with allowance for certain specific equivalent alternatives.

Section 3B.2.13 Related Definitions.

For Floor Area, see Section 202 of the California Building Code.

For Habitable Space (Room), see Section 202 of the California Building Code.

SECTION 3B.3 — Additional Permit Application Requirements.

Section 3B.3.1 Plans and Specifications.

In addition to the provisions of the California Building Code and this chapter for information on Plans and Specifications, the plans for JLWQ shall contain and clearly show the following:

1. The architect or civil engineer of record for the project along with pertinent contact information pursuant to this Code;
2. Nature of all City Planning approvals required and obtained, including use as JLWQ pursuant to this chapter, and show any City Planning conditions of approval within the plans;
3. The California Energy Commission Standards (Residential or Non-residential) which are being applied and the areas of the building and the individual JLWQ to which they are being applied and show the required energy documents within the plans;
4. Note regarding the nature of "notice of limitations" to be filed, or if previously filed show the notices within the plans;
5. Note on plans regarding the nature of the permit: for (complete)(partial) conversion of an existing building to the specific occupancy with complete build-out of individual spaces, or for (complete) (partial) shell conversion of existing building to the specific occupancy with individual spaces to be completed under separate permit; or for finished improvement of an

individual tenant space within a previously converted or constructed shell building or portion of building; [or as applicable for other than JLWQ: for new complete building; or for new shell building];

6. Any additional information as required or requested by the Fire Marshal or Building Official;
7. Occupancy—All existing occupancies of the building and the boundaries of the occupancies;
8. Type of construction — All existing types of construction of the building and the boundaries of the types of construction, indicate the fire-resistance of the building elements. The building elements to be indicated are listed in Table 6-A;
9. Location on property — Indicate the distance from property line to the existing exterior walls and openings. Indicate any openings that are protected. Indicate the fire-resistance of the existing exterior walls;
10. Floor area — Indicate existing floor areas including mezzanine areas. Show floor areas of existing occupancies;
11. Height and number of stories — Indicate existing building height and number of stories and mezzanines within a story;
12. Occupant load — Indicate existing occupant load and exits or lack of exits for various portions and rooms of the building based on Table 1004.1.1;
13. Indicate number and location of any existing individual spaces and the extent of their conformance with current code provisions ("notice of limitation" on file?, fire-resistive construction? etc. also see Numbers 25 through 33 below) and percentage of the story and building floor area they occupy;
14. Indicate extent and nature of any existing fire-protection systems within the building;
15. Nature, location, and extent of any existing hazardous material control areas;
16. Occupancy — Show all proposed occupancies of the building and for existing buildings the portions which are changing occupancy and the boundaries of the proposed occupancies;
17. Type of construction — Show all the types of construction proposed for the building and the boundaries of the type of construction. If some elements of an existing building are upgraded to achieve a certain type of construction indicate the nature of the upgrade to achieve the proposed type of construction;

18. Location on property — Indicate fire-resistive requirements based on location of property and for existing buildings those openings or walls that are being upgraded to meet current code provisions for existing and proposed occupancies;
19. Floor area — Indicate floor areas including mezzanine areas of proposed occupancies and calculate allowable floor areas for existing and proposed occupancies to meet current code provisions;
20. Height and number of stories — Indicate proposed building height and number of stories and the allowable height and number of stories for existing and proposed occupancies to meet current code provisions;
21. Occupant load — Indicate occupant load of the proposed and existing occupancies to remain based on current code provisions;
22. Indicate number and location of any proposed individual JLWQ spaces and percentage of the building floor area they occupy and also, if there are existing JLWQ in the building, the combined percentage of the story floor area and the building floor area that the proposed and existing JLWQ occupy;
23. Indicate extent and nature of any proposed, or changes to existing, fire-protection systems within the building;
24. Indicate nature, location, extent, and details of any proposed and existing hazardous material control areas;
25. Nature of "notice of limitations" that affect the specific spaces(s);
26. Nature of application of disabled regulations that affect the specific individual space(s);
27. Nature of California Energy Commission Standards that affect the specific individual space(s) or for JLWQ if the prescriptive insulation and heating provisions are being used;
28. Total floor area of each individual space and location and floor area of its designated work area and its designated residential area and their respective percentages of the individual unit total floor area;
29. The maximum number of persons that may be accommodated (reside in) within each individual space;
30. The floor and mezzanine areas and number of floors and mezzanines (including sleeping mezzanines) within each individual space;
31. Whether Section 3B.8.2.3.1, 3B.8.2.3.2, or 3B.8.2.3.3 for increased mezzanine (including sleeping mezzanine) percentage of superficial floor area is being applied;

32. Location of the sleeping area(s) of each individual space; and

33. Amount of hazardous materials to be involved or allowed pursuant to Section 3B.16.1 and location and details for any hazardous control area(s) necessary within the individual space.

Section 3B.3.2 Notice of Limitation Regarding an Individual F-7 or 8 or R-7, 7.1, or 8 Occupancy Space Having Employees and/or Being Regularly Open to the Public.

When an individual F-7 or 8 or R-7, 7.1 or 8 Occupancy space is proposed in a building or a portion of a building the following shall be provided:

1. A "notice of limitation" for the building is recorded with the Alameda County Recorder's Office indicating whether or not employees are permitted and/or if the individual space is regularly open to the public; and

2. If appropriate, the Conditions, Covenants, and Restrictions administered by a owner's association shall delineate the conditions by which employees and/or being regularly open to the public are or are not permitted OR if appropriate, the standard lease shall delineate the conditions by which employees of the tenant of the individual space are or are not permitted and/or whether or not the individual space is regularly open to the public. A copy of either shall be attached as Exhibit "A" to the "notice of limitation."

Reference to this notice and whether employees and/or being regularly open to the public or not shall be indicated on the permit application.

Recording such a notice of limitation stating that employees are allowed and that an individual space is regularly open to the public shall not permit employees or being regularly open to the public if this is contrary to City Planning or other superseding conditions or regulations.

Section 3B.3.3 Notice of Limitation for Use of Ship Stair or Ladder within an Individual F-7 or R-7 or R-7.1 Occupancy JLWQ.

A "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to access provisions in an individual JLWQ provided pursuant to Sections 3B.12.4.3, 3B.12.4.4, and 3B.12.4.5.

Section 3B.3.4 Notice of Limitation for Use of Alternative Emergency Escape and Rescue for Existing Buildings.

A "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to alternative emergency escape and rescue provisions when such alternatives are used and provided for in an existing building pursuant to Section 3B.12.6.3.1.

Section 3B.3.5 Notice of Limitation Regarding an Individual F7 or 8 Occupancy Space Being a Noise Source Greater than 60db.

When F-7 or 8 Occupancy individual spaces are proposed in a building or a portion of a building the following shall be provided:

1. A "notice of limitation" for the building is recorded with the Alameda County Recorder's Office indicating the limitations and requirements for mitigation of excessive noise generation; and
2. As appropriate, the Conditions, Covenants, and Restrictions administered by a owner's association or the Standard Lease Agreement for the space shall state that when an individual JLWQ has a regular use on a continuing basis that has a noise source above 60db the individual tenant and/or owner will comply with the provisions of Section 3B.18.3.2 relating to additional airborne sound and impact insulation for the space.

#### SECTION 3B.4 — Change of Occupancy.

##### Section 3B.4.1 General.

Changing the occupancy of an existing building to a commercially/industrially-oriented JLWQ, Group F, Division 7 or 8 Occupancy, or to a residentially-oriented Group R, Division 7, 7.1 or 8 Occupancy shall be considered a change of occupancy and such buildings shall comply with the applicable requirements of the California Building Code and this chapter including the fire, life safety, structural, and seismic requirements.

##### EXCEPTIONS:

1. For Group F-7 or R-7 Occupancies in existing buildings minimum seismic requirements may be met if the building substantially conforms, or is altered to conform, to 75% of the California Building Code seismic and wind load design standards. Unreinforced masonry (URM) bearing wall buildings, in lieu of the above design standards, may comply with the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1. Concrete tilt-up and non-ductile concrete framed buildings that conform to the above standards will still be subject to any future seismic upgrade regulations for these types of buildings unless these buildings conform, or are altered to conform, to current code requirements.
2. For Group R-7.1 Occupancies in existing buildings minimum structural requirements may be met if the building substantially conforms, or is altered to conform to Sections 3B.4.2 and 3B.5. Unreinforced masonry (URM) bearing wall buildings, in-lieu of the above design standards, may comply with the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1. Concrete tilt-up and non-ductile concrete framed buildings that conform to the above standards will still be subject to any future seismic upgrade regulations for these types of buildings unless these buildings conform, or are altered to conform, to current code requirements.
3. The occupancy of a story of an existing building or portion of the building may be changed to a Group F, Division 7 Occupancy or a Group R, Division 7 Occupancy or a Group R,

Division 7.1 Occupancy without requiring that the entire building comply with all the requirements of this code if all of the following conditions are present or provided:

3.1 No more than 10% of the floor area of the entire building or of an individual story is or will become designated residential area and no more than ten residents are accommodated on an individual story of the building pursuant to Section 3B.1.3;

3.2 The existing building, its use, its appendages, and/or its structural system is not declared an unsafe building or structure pursuant to this code or considered unsafe pursuant to other regulations;

3.3 The entire building is made to conform with all the minimum standards for existing buildings in Chapter 34 of the current California Building Code;

3.4 Other than for work required to comply with the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1 or Chapter 34 of the current California Building Code pursuant to 3.3 above, additions, alterations, and repairs shall comply with current code; and

3.5 The designated work area and the designated residential area of each individual JLWQ comply with the requirements of this chapter.

Section 3B.4.2 Structural Survey For R-7.1 Occupancy.

Section 3B.4.2.1.

Every structure or portion of a structure to be evaluated for structural capacity under this code shall be surveyed for structural conditions by an architect or engineer knowledgeable in historical structures. The survey shall document deterioration or signs of structural distress. The survey shall determine the details of the structural framing and the system for resistance of gravity and lateral loads. Details, reinforcement and anchorage of structural systems and veneers shall be determined and documented.

Section 3B.4.2.2.

The results of the survey shall be utilized for designing modifications to the structural system to reach compliance with this code.

SECTION 3B.5 — Structural Regulations for R-7.1 Occupancy.

Section 3B.5.1 Gravity Loads.

The capacity of the structure to resist gravity loads shall be evaluated and the structure strengthened as necessary. The evaluation shall include all parts of the load path, if the evaluation indicates that no structural distress is evident, and a complete load path is present, the

structure may be assumed adequate for gravity loads by having withstood the test of time if anticipated dead and live loads will not exceed those historically present.

#### Section 3B.5.2 Wind and Seismic Loads.

The ability of the structure to resist wind and seismic load shall be evaluated. The evaluation shall be based on the requirements of California Historical Building Code, Title 24, Part 8. Any unsafe conditions in the lateral-load-resisting system shall be corrected, or alternative resistance shall be provided. Additional resistance shall be provided to meet the minimum requirements of this code. The architect or engineer shall consider additional measures with minimal loss of, and impact to, historic materials which will reduce damage and needed repairs in future earthquakes to better preserve the historical structure in perpetuity. These additional measures shall be presented to the owner for consideration as part of the rehabilitation or restoration.

#### Section 3B.5.3 Lateral Load Regulations for R-7.1 Occupancy.

##### Section 3B.5.3.1 Lateral Loads.

The forces used to evaluate the structure for resistance to wind and seismic loads need not exceed 0.75 times the seismic forces prescribed by the current edition of the California Building Code (CBC). The seismic forces may be computed based on the R values tabulated in the CBC for similar lateral force-resisting systems. All deviations of the detailing provisions of the lateral-force-resisting systems shall be evaluated for stability and the ability to maintain load-carrying capacity at increased lateral loads. Unreinforced masonry bearing wall buildings shall comply with California Existing Building Code, Title 24, Part 10, Appendix Chapter 1, and as modified by this code. Reasonably equivalent standards may be used on a case-by-case basis when approved by the authority having jurisdiction.

##### Section 3B.5.3.2 Existing Building Performance.

The seismic resistance may be based upon the ultimate capacity of the structure to perform, giving due consideration to ductility and reserve strength of the lateral-force-resisting system and materials while maintaining a reasonable factor of safety. Professional engineering judgment may be exercised regarding the strength and performance of materials not recognized by regular code requirements. (California Historical Building Code, Title 24, Part 8)

##### Section 3B.5.3.3.

All structural materials or members that do not comply with detailing and proportioning requirements of the regular code shall be evaluated for potential seismic performance and the consequence of noncompliance. All members which might fail and lead to possible collapse, or threaten life safety, shall be judged unacceptable and appropriate structural strengthening shall be developed. The building should be evaluated as a system to ensure against progressive collapse.

##### Section 3B.5.3.4 Load Path.

A complete and continuous load path, including connections, from every part or portion of the structure to the ground shall be provided for the required forces. It shall be verified that the structure is adequately tied together to perform as a coherent system when subjected to earthquake forces.

#### Section 3B.5.3.5 Parapets.

Parapets and exterior decoration shall be investigated for conformance to the regular code requirements for anchorage and ability to resist prescribed seismic forces. An exception to regular code requirements shall be permitted for those parapets and decorations which are judged not to be a hazard to life safety.

#### Section 3B.5.3.6 Historical Records.

Historical records of the structure or similar structures may be used in the evaluation, including the effects of subsequent alterations.

#### Section 3B.5.3.7 Nonstructural Features.

Nonstructural features of a structure converted to R-7.1 use, such as exterior veneer, cornices and decorations, which might fail and create a life-safety hazard in an earthquake, shall be investigated. Their ability to resist seismic forces shall be verified, or the feature shall be strengthened.

#### Section 3B.5.3.8.

Partitions and ceilings of corridors and stairways serving an occupant load of 30 or more or located above the first story shall be investigated to determine their ability to remain in place when the building is subjected to earthquake forces.

### SECTION 3B.6 — Minimum Facilities and Shell Construction.

#### Section 3B.6.1 General.

All individual spaces and JLWQ shall be provided with facilities pursuant to applicable code with not less than the minimum facilities as provided herein. See Table 3B.6-A.

#### Section 3B.6.2 Minimum Shell Facilities.

Where a building shell is proposed to be constructed or an existing building shell conversion with improvements and facilities within an individual space or JLWQ to be constructed later under separate permits, roughed-in facilities shall be provided pursuant to applicable code sufficient to serve the proposed facilities with not less than the minimum facilities pursuant to Table 3B.6-A. The shell shall be constructed pursuant to applicable code with minimum facilities as provided herein.

Section 3B.6.3 Finished Facilities.

Where the individual space is to be completely finished, facilities shall be provided pursuant to applicable code with not less than the minimum facilities pursuant to Table 3B.6-A. All fixtures, equipment and appurtenances plus all plumbing, mechanical, and electrical requirements shall be installed for a complete and finished space.

Section 3B.6.4 Combustion Air Through Infiltration.

If the individual space cannot provide sufficient combustion air or ventilation through infiltration as defined in and pursuant to the California Plumbing Code and/or California Mechanical Code, as applicable, then the minimum facilities in a room, individual space, or building of unusually tight construction shall provide roughed-in or completed facilities for combustion air and ventilation.

Section 3B.6.5 Shell Construction.

The building shell construction shall meet all requirements of this code and this division. The building shell itself, public use areas, common use areas, and walls and floor/ceilings separating and common to the individual space or JLWQ shall be completely constructed as part of the building permit work for the shell. All plumbing work, mechanical work, and electrical work, including the provisions for minimum facilities pursuant to Table 3B.6-A, serving an individual space of F-7 or R-7 OR R-7.1 Occupancy JLWQ or F-8 or R-8 Occupancy shall be appropriately enclosed, terminated and labeled.

Section 3B.6.6 Individual Space or JLWQ.

The individual space or JLWQ that will be improved at a later time will be required to obtain a separate permit and shall comply with all permit and inspection requirements of the applicable code in effect at the time of permit application.

**TABLE 3B.6-A**

Individual spaces shall be provided with or for shell construction have the capability of installing kitchen, bathroom water heater, and space heating facilities in the space without performing work within other units or within common walls or floor/ceiling separating individual spaces. The minimum roughed-in facilities (with minimum facilities if finished) to be provided are:
<b>A) Kitchen Facilities (finish facilities shall include kitchen sink, range, and vent hood if required plus all electrical and plumbing):</b>
1) Two 20 amp electrical circuits for small appliances;
2) One 20 amp circuit for the refrigerator;
3) A two inch waste line for a sink;
4) Hot and cold water supply and shut-off valves;
5) One 60 amp circuit or a gas line sufficient for a domestic range;

- 6) If a gas range is proposed in a building of unusually tight construction as defined in the CMC, provisions for combustion air and venting shall be provided in accordance with the CMC; and
- 7) Provisions for a range hood vent for a gas range shall be provided.

**B) Bathroom Facilities (finished facilities include installation of all fixtures):**

- 1) A one and a half inch waste line for a lavatory;
- 2) A two inch waste line for a shower or a one and half inch waste line for a bathtub (provide access if a slip joint is used at the proposed tub);
- 3) A three inch waster line for a water closet;
- 4) Hot and cold water supply for a lavatory, shower or bathtub, and water closet and shut-off valves for the lavatory and water closet; and
- 5) Provisions for ventilation pursuant to CMC and CBC Section 1203.4.2.1.

**C) Water Heater (finish facility includes installed water heater and all appurtenances):**

If the building shell does not provide a hot water supply to the individual JLWQ, facilities to allow installation of a water heater within the individual JLWQ shall be provided as follows:

- 1) A gas line sufficient to supply the water heater; and/or when permitted pursuant to the CEC Energy Conservation Regulations adequate electrical capacity for the electric water heating equipment;
- 2) A minimum  $\frac{3}{4}$  inch drain line for a water heater drain pan to an approved location (such as outside the building, to a floor drain, utility sink, etc.) when a water heater is located in an attic or furred space pursuant to the CPC;
- 3) A drain line for a water heater relief line pursuant to the CPC to the outside of the building or to another approved location (with prior approval by the Building Official);
- 4) Provision for water heater vent pursuant to the CPC;
- 5) If the building is of an unusually tight construction, provision shall be provided for combustion air for the water heater other than infiltration pursuant to the CPC.

**D) Space Heating (finish facilities include complete space heating installation and all appurtenances):**

In areas of the JLWQ where heat is required or proposed, the following shall be provided:

- 1) A gas line sufficient for supply to the space heating equipment; and/or when permitted pursuant to the CEC Energy Conservation Regulations adequate electrical capacity for the space heating equipment;
- 2) Provisions for appropriate venting and combustion air supply for the space heating equipment; and

3) Adequate appurtenant electrical facilities including thermostatic wiring.

## SECTION 3B.7 — Construction, Height, and Allowable Area.

### Section 3B.7.1 General.

Group F-7 or 8 Occupancy JLWQ shall conform to code requirements for F-1 Occupancies and Group R-7 or 8 Occupancies shall conform to code requirements for R-2 Occupancies as to construction, height and allowable area pursuant to Chapter 3, Chapter 5, Chapter 6, and to related code requirements and to the specific requirements herein.

EXCEPTION: For Group F-7 or R-7 or R-7.1 Occupancies the following alternatives may be used:

1. Where one-hour fire-resistive construction is required, floors in existing buildings constructed with valid permits may be accepted which have the separation limited to the installation of materials approved for the underside of a one-hour fire-resistive floor/ceiling assembly when the existing flooring system is air-tight and equivalent to a minimum nominal  $\frac{3}{4}$ " thick wood floor.
2. Where one-hour fire-resistive construction is required, walls or ceiling surfaces in existing buildings constructed with valid permits, with wood, lath and plaster in good condition or one-half inch thick gypsum wall board may be accepted when approved by the Building Official.
3. In an existing building, an approved automatic sprinkler system, as specified in California Building Code, Section 903, may be substituted for one-hour fire-resistive construction, provided such system is not otherwise required throughout the building, including a requirement for sprinklers due to inadequate pressure and flow in the fire hydrants or fire supply that would provide protection to the building.

### Section 3B.7.2 Unlimited Area.

Section 507 of the California Building Code is not applicable to commercially/industrially-oriented F-7 or 8 Occupancy JLWQ in existing buildings, except CBC Section 507 may be applied if a request in approved form and content for alternate materials, alternate design and methods of construction is submitted to and approved by the Building Official (approval is not guaranteed).

### Section 3B.7.3 Mixed Occupancies.

Group F-7 or 8 Occupancies shall be separated from other occupancies as for an F-1 Occupancy and Group R-7 or 8 Occupancies as for an R-2 Occupancy with a minimum one-hour fire-resistive occupancy separation to all other occupancies.

#### Section 3B.7.4 Special Provision.

Walls and floors separating individual Group F-7 or 8 and Group R-7 or 7.1 or 8 Occupancy JLWQ from other individual JLWQ spaces shall be not less than one-hour fire-resistive construction. Storage or laundry rooms that are used in common by occupants of F-7 or 8 and R-7 or 7.1 or 8 Occupancies shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

### SECTION 3B.8 — Specific Use Provisions.

#### Section 3B.8.1 Room and Space Dimensions.

##### Section 3B.8.1.1 General.

Room dimensions and floor areas of Designated Residential Area in an individual JLWQ used for living, sleeping, eating, and cooking (habitable space) shall meet, as a minimum, the requirements of Section 1208 of the California building Code and the provisions for Efficiency Dwelling Units pursuant to Section 1208.4 and requirements herein. Dimensions of areas other than the designated residential area within an individual F-7 or 8 Occupancy space shall be as for an F-1 Occupancy. Also, comply with Section 3B.1.3.

##### Section 3B.8.1.2 Sleeping Mezzanine Space Dimensions.

A sleeping mezzanine, which is permitted only in an individual F-7 or R-7 Occupancy JLWQ, shall have space dimensions as provided herein.

##### Section 3B.8.1.3 Headroom.

The minimum sleeping mezzanine headroom shall be a headroom "envelope" clearance to the ceiling or any projections from the ceiling that has a height of 4' with an increasing height of 4" vertical to 12" horizontal or steeper running towards the access to the loft. A horizontal ceiling shall be a minimum of 5' 8" above the sleeping mezzanine floor. See Figures A-3B-1A and 1B.

##### Section 3B.8.1.5 Floor Area.

The area dimensions of a sleeping mezzanine may be 5' minimum deep by 7' minimum long or 7' minimum deep by 5' minimum long with a maximum area of 120 square feet. At least fifty percent (50%) of the sleeping loft area perimeter shall be open to the common atmosphere of the space in which it is located unless mechanical ventilation or openable window pursuant to CBC Section 1203.4 is provided. The floor area of a sleeping mezzanine shall not exceed the allowable floor area for mezzanines pursuant to Section 3B.8.2.3. See Figures A-3B-1A and 1B.

#### Section 3B.8.1.6 Built-in Sleeping Bunk Space Dimensions.

A built-in sleeping bunk, which is permitted only in an individual F-7 or R-7 JLWQ, shall have space dimensions as provided herein.

#### Section 3B.8.1.7 Headroom.

The minimum built-in sleeping bunk headroom clearance shall be a headroom "envelope" clearance to the ceiling or any projections from the ceiling with a height of 3' and with an increasing height of 4" vertical to 12" horizontal or steeper running towards the access to the built-in sleeping bunk. The minimum clearance for a flat ceiling shall be 42 inches above the built-in sleeping bunk floor. See Figures A-3B-2A and 2B.

#### Section 3B.8.1.8 Floor Area.

A built-in sleeping bunk shall meet the area dimensions requirements for a sleeping mezzanine pursuant to Section 3B.8.2.3. However, the area of the built-in sleeping bunk may not exceed 60 square feet. See Figures A-3B-2A and 2B.

#### Section 3B.8.2 Mezzanines in Individual JLWQ.

##### Section 3B.8.2.1 General.

Mezzanines shall conform to other requirements of this code or as herein provided.

##### Section 3B.8.2.2 Mezzanine Ceiling Height.

The ceiling height of a sloping ceiling above a mezzanine may be measured in accordance with CBC Section 1208.2.

##### Section 3B.8.2.3 Mezzanine Area in Individual JLWQ.

###### Section 3B.8.2.3.1.

The area of a mezzanine within an F-7 or R-7 Occupancy JLWQ may be one third of the gross area of the individual JLWQ if the building is fire-sprinklered throughout.

###### Section 3B.8.2.3.2.

The area of a mezzanine within an individual F-7 or R-7 Occupancy JLWQ may be one half of the gross area of the individual JLWQ if the building is fire-sprinklered throughout and fire-sprinklers are not otherwise required, including the requirement for fire-sprinklers due to inadequate fire flow in the water supply serving the building. The total area of the mezzanines within and outside the individual JLWQ on any floor or story of the building shall not exceed one-third of the area of the floor or story.

### Section 3B.8.2.3.3.

If the area and type of construction of an existing building and/or the use of area separation walls pursuant to CBC Section 706 will not permit additional number of stories for the building the area of the mezzanine of an individual F-7 or R-7 may be one half of the gross area of the individual JLWQ without being classified as an additional story when the building is fire-sprinklered throughout and all of the following conditions exist:

1. The individual JLWQ has a layer of  $\frac{5}{8}$ " Type "X" gypsum board applied to the existing ceiling and wall on the unit's side of a common ceiling or wall with another unit and also with any corridor;
2. The building's interior exit path (corridor, etc.) serving the individual JLWQ has been constructed as for an extent of stairway enclosure appropriate to the configuration of the building, including requirements for smoke-proof enclosure as applicable, pursuant to CBC Section 1022. When a stairway enclosure is not required, the interior exit path shall be constructed as for an exit passageway pursuant to CBC Section 1022. Unless otherwise required, other individual JLWQ's in the building not using the requirements of this section need not be provided with fire-resistive protection on their side of the corridor or exit passageway.
3. Glazed openings are allowed between the unit and the building's interior exit path (corridor, etc.) if they are double glazed wire glass in steel frames of no more than 15 square feet per unit fronting on the exit path outside of the JLWQ (corridor, etc.). See Figure A-3B-4.

### Section 3B.8.3 Yards and Courts.

Yards and courts with required windows for natural light and ventilation shall be provided pursuant to CBC Section 1206.

### Section 3B.8.4 Eaves.

Eaves over required windows for natural light and ventilation shall be pursuant to CBC Section 705.2.

### Section 3B.8.5 Smoke Detectors.

Smoke detectors shall be provided in individual spaces that shall conform as applicable for new construction and R occupancy to CBC Sections 907.2.11.

### Section 3B.8.6 Heating.

#### Section 3B.8.6.1 General.

The designated residential area of an F-7 or R-7 JLWQ and the habitable area of an F-8 or R-8 Occupancy shall conform to the requirements of CBC Section 1204. Space heating equipment

shall be configured or located so the heated air will be directly circulated to the designated residential portion of the individual JLWQ.

SECTION 3B.9 — Uniform and Concentrated Loads.

Uniform and concentrated loads shall be pursuant to CBC Table 1607.1 and to new categories added as follows:

**TABLE 3B.9-A**

Category	Description	Uniform Load	Concentrated Load
21. R-7 JLWQ, R-8 Occupancy	Floors at grade or immediately above and below grade and other floors accessible by ramp or elevator.	60	2,000
	Floors other than described above including mezzanines.	50	0
	Mezzanines, if posting of allowable live load is provided.	40	0
22. F-7 JLWQ, R-8 Occupancy	Floors at grade or immediately above and below grade and other floors accessible by ramp or elevator.	75	2,000
	Floors other than described above including mezzanines.	60	0
	Mezzanines, if posting of allowable live load is provided.	40	0
23. F-7 JLWQ R-7 JLQW Occupancy	Sleeping Mezzanine.	40	0
	Built-in Sleeping Bunk.	40	0
24. F-7 JLWQ R-7 JLQW Occupancy; F-8 or R-8 Occupancy in existing buildings	Roof Exit Path for Alternative Emergency Escape and Rescue (3 feet minimum wide)	60	0
	Roof Exit Queuing Area (area = 3 SF per occupant served at the designated escape point off of the roof).	60	0

SECTION 3B.10 — Conventional Framing Provisions.

Section 3B.10.1 General.

CBC Section 2308 Conventional Light-Frame Construction Provisions of the California Building Code shall apply to F-7 or R-7 JLVQ Occupancy as for a Group R Occupancy.

Section 3B.10.2 Fire Blocks and Draft Stops.

Section 3B.10.2.1 General.

Section 708 — Fire Blocks and Draft Stops of the California Building Code applies to F-7 or 8 and R-7 or 8 Occupancies and as herein provided.

Section 3B.10.2.2 Floor Ceiling Assembly.

Draft stops in floor-ceiling assemblies pursuant to CBC Section 717.3 as for two or more dwelling units and hotels applies to F-7 or 8 and R-7 or 8 Occupancies.

Section 3B.10.2.3 Attics.

Draft stops in attics pursuant to Section 717.4 as for two or more dwelling units and hotels applies to F-7 or 8 and R-7 or 8 Occupancies.

SECTION 3B.11 — Location on Property.

Section 3B.11.1 General.

For an F-7 JLVQ, the fire resistance of the exterior walls and openings may comply with the provisions for an R-2 Occupancy when the entire use of an existing building or a portion of an existing building which is being converted to F-7 JLVQ has been for commercial or industrial purposes (See CBC Section 602). Provided that the requirements for an R-2 Occupancy does not create a more hazardous condition to fire and life safety than the existing condition of the walls and openings. Otherwise, requirements for an F-1 Occupancy shall apply to commercially/industrially-oriented F-7 JLVQ Occupancy.

EXCEPTION: When a building complies with the allowable area requirements as for an R-2 occupancy and the F-7 Occupancy is fire-sprinklered, the fire resistance of the exterior walls and openings may comply with the provisions for an R-2 Occupancy.

SECTION 3B.12 — Access and Means of Egress Facilities and Emergency Escapes.

Section 3B.12.1 General.

Access and means of egress facilities and emergency escapes shall be in conformance with CBC Chapter, Sections 1014 and 1029 and as provided herein.

Section 3B.12.2 Accessibility.

Section 3B.12.2.1 General.

Spaces Open to the General Public Or Common Use Spaces. Provisions of this chapter notwithstanding, buildings with JLWQ occupancies that have spaces regularly open to the public or for common use of the occupants of the building shall comply with the applicable accessibility regulations pursuant to Chapter 11B.

Section 3B.12.2.2 JLWQ Occupancies without Employees and/or Not Regularly Open to the Public and Not Publicly-funded.

Buildings or portions of buildings with JLWQ occupancies that are not publicly funded, do not have employees nor are regularly open to the public, nor are commercial spaces may comply either with the residential accessibility requirements of Chapter 11A or with the non-residential accessibility requirements of Chapter 11B of the California Building Code.

Section 3B.12.2.3 JLWQ Occupancies with Employees and/or Regularly Open to the Public and Not Publicly-funded.

Buildings or portions of buildings with JLWQ occupancies that are not publicly funded, but do have employees and/or are regularly open to the public shall comply with the non-residential accessibility requirements of Chapter 11B of the California Building Code.

Section 3B.12.2.4 Publicly-funded JLWQ without Employees and Not Regularly Open to the Public.

Buildings with F-7 Occupancy JLWQ that are publicly funded (owned, operated, or maintained by a public jurisdiction) and do not have employees and are not regularly open to the public shall comply with the applicable accessibility regulations for publicly funded residential occupancy pursuant to Chapter 11B and also Federal requirements if more stringent.

Section 3B.12.2.5 Publicly-funded JLWQ with Employees and/or are Regularly Open to the Public.

Buildings with F-7 Occupancy JLWQ that are publicly funded (owned, operated, or maintained by a public jurisdiction) and do have employees and/or are regularly open to the public shall comply with the applicable accessibility regulations pursuant to Chapter 11B and also Federal requirements if more stringent.

Section 3B.12.3 Means of Egress Facilities.

Section 3B.12.3.1 Number of Exits.

Number of Exits shall be in conformance with CBC Chapter 10. Occupant Load Factor shall be pursuant to Section 3453.6.

Section 3B.12.3.2 Individual Units of Group F-7 or 8 and R-7 or 8 Occupancies.

In individual spaces of Group F-7 or 8 or R-7 or 8 Occupancies a minimum of two exits shall be required from the individual space when the number of occupants is 10 or more. For special provision for exits due to hazardous materials in an individual space see Section 348B.1.2.

#### Section 3B.12.3.3 Existing Building Exits.

One of the required exits for an existing Building serving an F-7 or R-7 Occupancy may be a fire escape in conformance with Section 8-502 of the California Historical Building Code.

#### Section 3B.12.4 Stairways.

##### Section 3B.12.4.1 General.

Stairways within an individual JLWQ occupancy unit shall comply as a minimum with the requirements for a residential or other private stair where the occupant load is less than ten (10) and as herein provided. Stairways serving two or more individual JLWQ Occupancy units or an occupant load of 10 or more shall comply with CBC Chapter 10, Section 1009 and as herein provided.

##### Section 3B.12.4.2 Stairways in an Individual F-7 or R-7 JLWQ Occupancy Unit.

Stairways in an individual unit of F-7 or R-7 or R-9 Occupancy may alternatively comply with Section 3B.12.4.3 for a ship stair access, Section 3B.12.4.4 for a ladder access, or with Section 3B.12.4.5 for other means of access to a mezzanine, sleeping mezzanine, or built-in sleeping bunk. See Figures A-3B-1A & 1B; A-3B-2A and 2B; and A-3B-3.

##### Section 3B.12.4.3 Ship Stair.

A ship stair (ship's ladder) which is a fixed ladder within the pitch range of 41.5 to 75 degrees from the horizontal, equipped with treads and stair rails may provide access to a private mezzanine, sleeping mezzanine, or built-in sleeping bunk within an individual unit of F-7 or R7 Occupancy provided a warning sign and illumination are installed at the ship stair to meet the requirements of the Building Official. There shall be 6'8" minimum headroom provided at the top of the ship stair except the headroom clearance for access to a built-in sleeping bunk may be 3'6" minimum.

##### Section 3B.12.4.4 Ladder.

A ladder may provide access to a sleeping mezzanine or a built-in sleeping bunk within an individual F-7 or R-7 Occupancy if the rungs are 14 inches maximum on center, 20 inches minimum wide, with 7 inches minimum toe space (measured horizontally from the outside of the rung to the face of a wall or other surface) and a safety cage of 30 inches minimum clear dimension is provided above 6'8" height above the bottom of the ladder when the floor to floor height traversed by the ladder is greater than 9 feet and provided that a warning sign and illumination are installed at the ladder to meet the requirements of the Building Official.

#### Section 3B.12.4.5 Other Means of Individual Unit Stairway Access.

Other means of access to a sleeping mezzanine or built-in bunk bed by means of prefabricated access equipment (folding stairs, etc.) may be used if equivalent to the above, subject to Building Official approval and provided a warning sign and illumination are installed at the access. Alternative stairways pursuant to CBC Sections 1009.4.3, 1009.8, 1009.9, and 1009.10 may be utilized in F-7 or 8 and R-7 or 8 Occupancies.

#### Section 3B.12.4.6 Landing at a Sleeping Mezzanine.

A stairway, ship stair (ship's ladder), ladder or similar equipment providing access to a sleeping mezzanine in a JLVQ shall terminate in a landing with a 3' minimum dimension in any direction. The landing shall have 6' 8" minimum headroom. There may be a single step up to the floor of the sleeping mezzanine of 12" maximum rise or otherwise steps complying with individual unit residential requirements shall be provided the same width of the landing in the direction up to the floor of the sleeping loft. See Figures A-3B-1A and 1B.

#### Section 3B.12.4.7 Notice of Limitation.

See Section 3B.3.3 for a "notice of limitation" required for any access based on Sections 3B.12.4.3, 3B.12.4.4, and 3B.12.4.5.

#### Section 3B.12.4.8 Existing Stairways Serving Two or More Individual Units or Ten or More Occupants of an F-7 or R-7 Occupancy.

Existing stairways serving two or more individual units of F-7 or R-7 Occupancies may alternatively comply as provided herein. Fire escapes shall comply with Section 3B.12.3.3.

#### Section 3B.12.4.9 Existing Width.

Width of existing stairways shall not be less than 30" clear from wall to wall. Projections into this minimum width shall conform to current code.

#### Section 3B.12.4.10 Rise and Run.

Rise and run of existing stairways may conform to the code applicable at the time the existing stairway was constructed provided that the maximum rise does not exceed eight inches and the minimum tread is not less than nine inches.

#### Section 3B.12.4.11 Headroom.

Headroom of existing stairways shall not be less than 6 feet 6 inches.

#### Section 3B.12.4.12 Landings.

Existing landings of existing stairways may conform to the code applicable at the time the existing stairway was constructed but shall not be less than 30 inches in the direction of travel.

#### Section 3B.12.4.13 Handrails.

Existing handrails may conform to the code applicable at the time the existing stairway was constructed. Handrails on both sides of an existing stairway are not required if the existing stairway was originally constructed with a handrail only on one side and the stairway is less than 36 inches in width. The top of existing handrails shall not be less than 32 inches in height above landings and the nosing of treads.

#### Section 3B.12.4.14 Guards.

Guards shall conform to CBC Section 1013 but need not exceed 36 inches on existing stairways.

#### Section 3B.12.4.15 Interior Stairway Construction.

Existing interior stairway construction may remain if the stairway construction is structurally adequate and the stairway is fully fire-sprinklered.

#### Section 3B.12.5 The Exit Access.

##### Section 3B.12.5.1 General

The exit access shall be pursuant to Section 1014 of the California Building Code and as herein provided.

##### Section 3B.12.5.2 Separation of Exits.

When two exits are required in a building that has only one existing exit stairway, a second exit that complies with current code may be constructed next to the existing stairway if the arrangement of the stairways meet the following conditions:

1. The entry to the stairways are at opposite ends.
2. Any hallway or corridor connecting the entries to the stairways is constructed pursuant to Section 1004.3.4.3 of the California Building Code.
3. A horizontal exit wall bisects the building and stairways.
4. All areas of the floor have access to either stairway.

#### Section 3B.12.6 Emergency Escape and Rescue.

##### Section 3B.12.6.1 General.

Every joint living and work quarters (JLWQ) shall have at least one emergency escape and rescue window or door for each separate sleeping room or sleeping area pursuant to CBC Section 1029 and as provided herein.

#### Section 3B.12.6.2 Sleeping Area.

If a sleeping area is located in the common atmosphere of a room, even if the room is at a different level from the sleeping area and/or has multiple levels, and is not separated from the room with a wall greater than 42 inches high above the finish floor level of the sleeping area, the required emergency escape and rescue window or door may be located in the room provided:

1. The required emergency escape and rescue window or door is directly visually ascertainable from the sleeping area which it serves.
2. A direct path of travel, which may include stairways, etc., is provided between each sleeping area and its required window or door. More than one sleeping area may use the same egress window or door as long as the emergency escape and rescue window or door serving each sleeping area meets the above requirements.

#### Section 3B.12.6.3 Alternative Emergency Escape and Rescue in Existing Buildings.

##### Section 3B.12.6.3.1.

In an existing building where no exterior wall of the sleeping area of an individual space or JLWQ abuts a public street, public alley, yard or exit court any one of the following alternatives may be used. Signage to indicate the point of emergency egress and rescue and other facilities to ensure ease of access and egress along the escape and rescue path shall be installed to meet the recommendations of the Fire Marshal and the Building Official:

1. An escape and rescue door may open directly into a corridor if the corridor is constructed to meet the requirements for an extent of stairway enclosure pursuant to Section 1009.4 including provisions for openings and doors, appropriate for the configuration of the building in which it is located. A "Knox Box" with keys shall be provided in an approved location for the Fire Department's use.
2. A one-hour fire-resistive compartment with one-hour label exit door and equipped with a ships ladder to the roof. A minimum 36 inches by 48 inches clear landing shall be provided in front of the bottom of the ships ladder. Emergency lighting, a counter-balanced roof hatch, and marked exit path across the roof to an approved fire escape or escape ladder shall be provided.
3. If a court without access to a public way on the property is available, then an approved fire escape or escape ladders may either lead to the roof similar to alternative 2 above, or to the bottom of the court. An approved fire department access path to the bottom of the court shall be provided to meet the recommendations of the Fire Marshal and Building Official. A "Knox Box" shall be provided if there are any locked doors or gates along the fire department access path.

4. When the roof is part of an alternative emergency escape and rescue method, the roof structure at the exit path and the queuing area to the escape ladder or stair off of the roof shall consider the live loads added to Table 3B.16-A in Section 3B.16. The queuing area provided shall be 3 square feet per occupant for the occupant load served by the alternative emergency escape and rescue.

#### Section 3B.12.6.3.2 Notice of Limitation.

If any alternative emergency escape and rescue method is used a "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to alternative emergency escape and rescue provided.

#### Section 3B.12.6.3.3 Exit Path Roof Load.

The roof exit path and a minimum 10 feet square queuing area at the escape stair or ladder off of the roof shall be structurally designed for the loads pursuant to Section 342B.

#### Section 3B.12.7 Occupant Load.

##### Section 3B.12.7.1 General.

Occupant loads for buildings with F-7 occupancies shall comply with CBC Table 1004.1.1 – Maximum Floor Area Allowances Per Occupant for the appropriate use and as herein provided. See Section 3B.16.2 for special provision related to exits for individual spaces due to presence of hazardous materials.

##### Section 3B.12.7.2 Occupant Load Factor for Individual JLWQ without Employees or Having Regular Hours for Being Open to the Public.

Occupant load factor for individual JLWQ without employees or having regular hours open to the public shall be 200 square feet per occupant with area based on the superficial floor area of the individual unit.

##### Section 3B.12.7.3 Occupant Load Factor for Individual JLWQ with Employees and/or Having Regular Hours Open to the Public.

Occupant load factor for individual JLWQ with employees and/or regular hours open to the public shall be 200 square feet per occupant for the superficial floor area of the designated residential portion of the individual JLWQ and 100 square feet per occupant for the superficial floor area of the non-residential portion of the individual JLWQ.

#### Section 3B.12.8 Guards.

##### Section 3B.12.8.1 General.

Code provisions pertinent to guardrails apply to F-7 occupancies as for an F-1 Occupancy except as herein provided for the individual JLWQ.

#### Section 3B.12.8.2 Required.

Guardrails including sleeping mezzanine guardrails for an individual JLWQ may be a minimum of 42 inches in height. A built-in sleeping bunk need not have a guardrail but shall have a railing that has a height of at least one-third of the clear floor to ceiling height measured vertically at the rail. This railing need not exceed 42 inches.

### SECTION 3B.13 — Light and Ventilation.

#### Section 3B.13.1 General.

Code provisions pertinent to the designated residential area of an individual F-7 or R-7 or R7.1 Occupancy shall comply with CBC Section 1203 and 1205 with alternative minimums as provided herein. The remaining area of the individual F-7 or R-7 or R-7.1 Occupancy shall be provided with light, ventilation, and sanitation appropriate to an F-1 Occupancy. F-8 and R-8 Occupancies shall comply with Sections 1203 and 1205.

#### Section 3B.13.2 Light.

If due to legal or physical constraints the requirements for natural light in an existing building are not readily achievable, natural light may be provided by means of exterior glazed openings with an area of not less than one-twentieth of the superficial residential floor area of the individual JLWQ with a minimum of 5 square feet if additional artificial light to meet the requirements of the building official is provided. If the sleeping area of an individual space is separated from its required source of natural light by more than 25 feet measured horizontally, then the sleeping area (only) shall be doubled and added to the designated residential area in calculating the required natural light area for a space.

#### Section 3B.13.3 Ventilation.

If due to legal or physical constraints the requirements for natural ventilation in an existing building are not readily achievable, natural ventilation may be provided by means of exterior openings with an area of not less than one-fortieth of the superficial residential floor area of the individual space or JLWQ with a minimum of 2 ½ square feet if additional mechanical ventilation to meet the requirements of the building official is provided. If the sleeping area of an individual space or JLWQ is separated from its required source of natural ventilation by more than 25 feet measured horizontally, then the sleeping area (only) shall be doubled and added to the base superficial residential area in calculating the required natural ventilation area for an individual space or JLWQ.

### SECTION 3B.14 — Shaft and Exit Enclosures.

#### Section 3B14.1.

Code provisions pertinent to F-1 occupancies for shaft and exit enclosures shall apply to an F-7 occupancy JLWQ except that shaft enclosures that serve or are within an individual JLWQ may be the same as required for within an individual dwelling unit of an R-1 Occupancy.

**SECTION 3B.15 — Fire Sprinkler and Standpipe Systems.**

**Section 3B.15.1 Fire Sprinkler System.**

Fire sprinklers for F-7 or R-7 or R-7.1 JLWQ Occupancies shall be provided when required by CBC Section 903.2 and as for an R-2 apartment house pursuant to CBC Section 903.2.8 with an individual JLWQ counted as a dwelling unit in calculating the total number of dwelling units in the building.

**Section 3B.15.2 Standpipe System.**

F-7 JLWQ occupancies shall be furnished with standpipes when required by CBC Section 905 as for an F-1 Occupancy. R-7 and R-7.1 Occupancies shall be furnished with standpipes when required by CBC Section 905 as for an R-1 Occupancy.

**Section 3B.15.3 Buildings Under Construction.**

Buildings or portions of buildings being converted to JLWQ shall comply with the provisions of Section 905.10 as for new construction.

**Section 3B.15.4 Special Provisions for Sprinkler at a Mezzanine, Sleeping Mezzanine, or Built-in Sleeping Bunk.**

A mezzanine with access other than by a stairway, a sleeping mezzanine, or a built-in sleeping bunk shall have a residential quick response sprinkler head at the top of the access to the mezzanine, sleeping mezzanine, or built-in sleeping bunk. See Figure A-3B-4.

**SECTION 3B.16 — Special Hazards.**

**Section 3B.16.1 Storage of Flammable Liquids or Hazardous Materials.**

Allowable Materials and Quantities. Individual F-7 or R-7 Occupancy JLWQ shall comply with Table 3B.16-A and as provided herein. R-7.1 Occupancies shall comply with the Fire Code as for an R-2 Occupancy.

**Table 3B.16-A**

**Criteria for Defining Limits on Use, Storage and Quantities of Hazardous Materials Permitted in Individual JLWQ Spaces**

<b>Flammable Liquids:</b>	R-7 or R-8 Occupancy	F-7 or F-8 Occupancy

Class I-A	Prohibited	10 gal. per CA*
Class 1-B or C	1 gal. per unit	15 gal. per CA*
Class II	5 gal. per unit	30 gal. per CA*
Class III	5 gal. per unit	80 gal. per CA*
combined all class	10 gal. per unit	NA
combined I-A, B, C	No	30 gal. per CA*
b) Compressed Gas:		
flammable	(2) - 1 quart per unit	Table 3-D.1 & 3-E UBC per CA*
corrosives	1 gal. per unit	Table 3-D.1 & 3-E UBC per CA*
Others		Table 3-D.1 & 3-E UBC per CA*
c) Corrosives and Toxics	10 gal. per unit, includes quantities from a) and b) above	Table 3-E UBC per CA*
d) Additional quantities of a), b), and c) above permitted in approved storage units	Yes	Table 3-D.1 & 3-E UBC per CA*
e) Woodworking		
less than 3 appliances with dust collectors	Yes	Yes
Others	No	No
f) Other hazardous materials	No	Table 3-D.1 & 3-E UBC per CA*
CA* = Control Area: the space bounded by 1 hour fire-resistive separation from the other portions of the building. Each building shall have no more than 4 control areas.		

Section 3B.16.2 Special Provision.

When the quantities of hazardous materials in individual F-7 or R-7 Occupancies do not exceed the following Table 3B.16-A no additional requirements apply. If the quantities of hazardous materials in an individual F-7 Occupancy JLWQ exceed the following Table 3B.16-A but do not exceed those listed in CBC Table No. 307.1 (1) or (2), the requirements of CBC Section 307 apply and occupants in such individual spaces where the work area exceeds 200 square feet (which is the case for all individual spaces or JLWQ) shall have access to at least two exits from the room and all portions of the work area shall be within 75 feet of an exit. When the quantities of hazardous materials in such uses exceed those allowed by CBC Table No. 307.1 (1) or (2), the use shall be classified by the Building Official in the appropriate Group H Occupancy.

An F-7 Occupancy shall not be used for storage of flammable liquids or hazardous materials where welding, any work involving an open flame, or similar hazardous operations or processes are accomplished except as herein provided.

EXCEPTIONS:

1. Open flame may be used for art work, craft work, or similar activities provided the quantity of compressed gas or flammable liquid stored within an individual F-7 Occupancy JLWQ complies with Table 353B-A.
2. Open flame and welding may be permitted in an individual F-7 Occupancy JLWQ if the individual F-7 Occupancy JLWQ with the open flame and welding has an occupancy separation from the remainder of the building or other JLWQ in the building pursuant to Section 307 for the appropriate Group H occupancy.

SECTION 3B.17 — Fire Alarms.

Section 3B.17.1 General.

F-7 JLWQ occupancies shall conform to the requirements as for an R-2 apartment house pursuant to CBC Section 907.2.9 and as provided herein. An individual JLWQ is considered a dwelling unit for purposes of this section.

Section 3B.17.2 Special Provision for Local Alarm.

If a common interior exit path serves more than 4 individual F-7 and/or R-7 or R-7.1 Occupancy JLWQ or serves F-7 and/or R-7 or R-7.1 Occupancy JLWQ spaces that combined accommodate more than 10 persons, and the exit path or the spaces it serves are not fire-sprinklered, then an approved local manual or automatic fire alarm system shall be installed in the exit path. The local alarm shall be capable of sounding an audible alarm to the individual JLWQs served by the common interior exit path to meet the recommendations of the Fire Marshal and Building Official.

SECTION 3B.18 — Sound Transmission Control.

Section 3B.18.1 General.

Individual JLWQ shall comply with CBC Section 1207 as for apartment houses and as provided in this division. Existing buildings being converted to JLWQ Occupancies are not required to, but are recommended to, consider exterior noise sources pursuant to Section 1207.11.

EXCEPTION: In existing buildings existing walls and floor/ceilings are not required to meet these requirements unless they are opened or altered.

Section 3B.18.2 Notice of Limitation.

A "notice of limitation" pursuant to Section 3B.3.5 shall be provided for all F-7 or 8 Occupancies where individual JLWQ are abutting other habitable spaces.

#### Section 3B.18.3 Airborne Sound Insulation.

##### Section 3B.18.3.1 General.

Buildings or a portion of buildings classified as F-7 or 8 or R-7 or R-7.1 or 8 Occupancies shall comply with CBC Section 1207.7 as for apartment houses by providing STC 50 walls and floor/ceilings where a designated residential area abuts another occupied area and as provided in this division.

##### Section 3B.18.3.2 Commercially/Industrially Oriented JLWQ as Noise Source.

Any individual F-7 or 8 Occupancy space that is a source of noise above 60db such as a rock band practice shall add construction elements that provide an additional 50 STC to the existing walls and floor/ceiling that abuts adjacent residential occupancies. Alternatively, the space may comply with the recommendations of an acoustic analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, submitted with an application for building permit.

#### Section 3B.18.4 Impact Insulation.

##### Section 3B.18.4.1 General.

Buildings or a portion of buildings with individual spaces or JLWQ shall comply with CBC Section 1207.8 as for apartment houses by providing C 50 floor/ceilings where a designated residential area abuts another occupied area and as provided in this division.

##### Section 3B.18.4.2 Commercially/Industrially Oriented JLWQ as Noise Source.

Any individual F-7 JLWQ space that is a source of impact noise above 60db shall add construction elements to separate the source of impact noise or provide an additional STC 50 to the floor/ceiling that abuts adjacent residential occupancies. Alternatively, the space may comply with the recommendations of an acoustic analysis.

### SECTION 3B.19 — Energy Conservation Requirements.

#### Section 3B.19.1 General.

The space of buildings or portions of buildings with commercially/industrially-oriented JLWQ outside the area of the individual JLWQ shall comply with the appropriate California Energy Commission's Residential or the residential portion of the Non-residential Standards. Individual JLWQ units themselves shall comply as follows:

1. Either the Residential Standards may be applied or alternatively the residential portion of the Non-residential Standards may be applied (as appropriately indicated on information on plans) to individual JLWQ in buildings as follows:

1.1 Buildings of any number of stories with a maximum of two JLWQ and/or dwelling units.

1.2 Buildings with any number of individual JLWQ and/or dwelling units and with three or fewer habitable stories.

2. The residential portion of the Non-residential Standards shall apply to individual JLWQ in buildings as follows:

2.1 Buildings of any number of stories with more than two JLWQ and/or dwelling units.

2.2 Buildings with more than three habitable stories.

#### SECTION 3B.20 — Plumbing Systems Requirements.

##### Section 3B.20.1 General.

F-7 or 8 and R-7, R-7.1 or 8 Occupancies shall comply with requirements of the current California Plumbing Code as herein provided.

##### Section 3B.20.2 Plumbing Code Application.

Plumbing Code requirements as for an F occupancy apply to Group F-7 or F-8 Occupancies except that Section 701.1.2 of the California Plumbing Code which allows ABS and PVC installations in residential construction not more than two stories in height may be applied to plumbing within individual commercial/industrial oriented JLWQ that individually have no more than two stories. Plumbing in party and common walls and floor/ceilings are not considered within the individual JLWQ.

##### Section 3B.20.3 Number of Fixtures.

Individual JLWQ shall meet the requirements of Table 4-1 of the California Plumbing Code for Group R Occupancies. The common use areas of the building and areas with employees or open to the public shall comply with the requirements of Table 4-1 of the California Plumbing Code for F Occupancies.

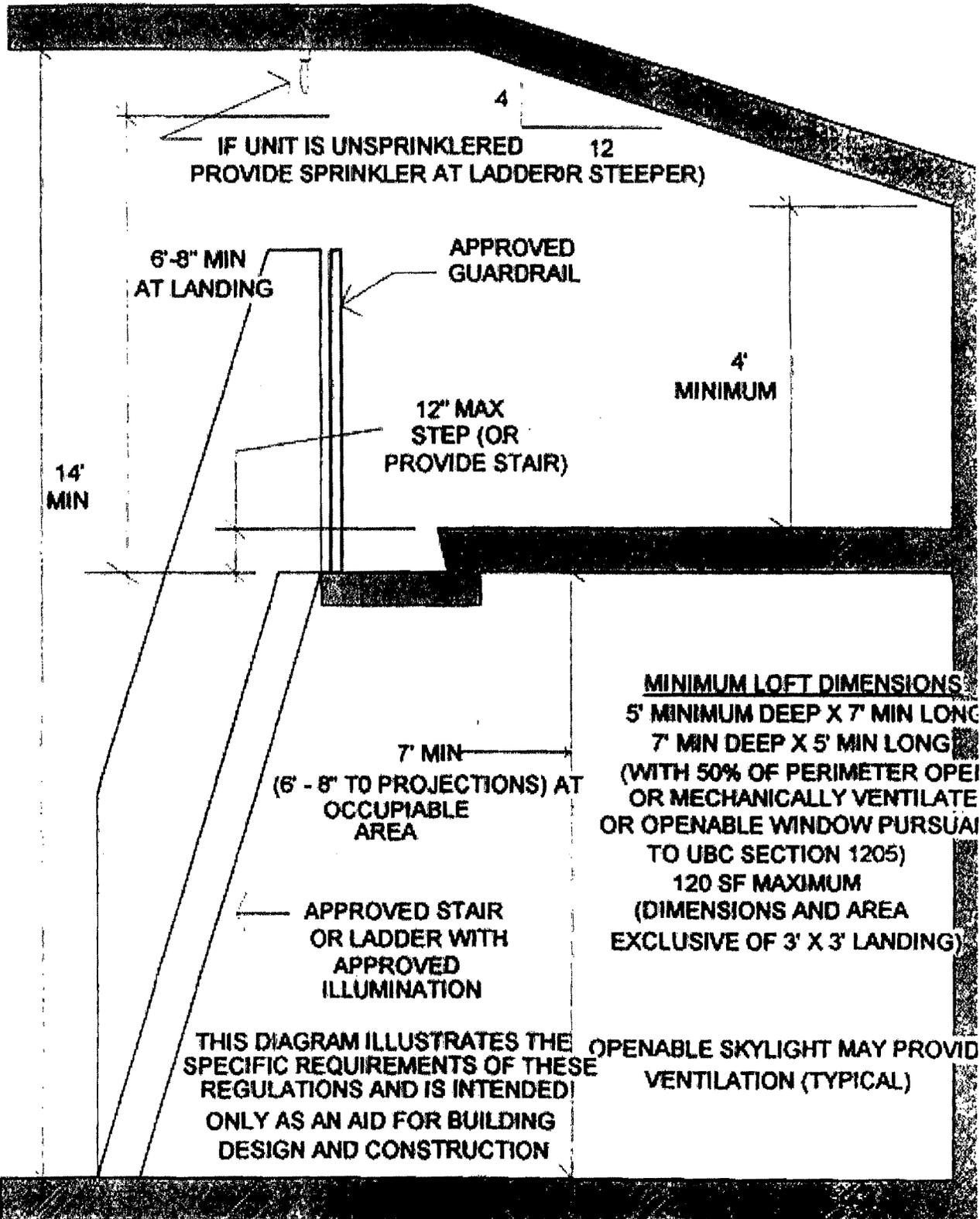
#### SECTION 3B.21 — Electrical Code Requirements.

##### Section 3B.21.1 General.

A Group F-7 or 8 Occupancy shall conform with the California Electrical Code requirements as for an F-1 Occupancy. The designated residential area of an individual F-7 or 8 Occupancy

JLWQ shall comply with Section 210-52 relating to dwelling unit receptacle outlets. Group R7, R-7.1 or 8 Occupancy shall conform with requirements as for an R-2 Occupancy.

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IF UNIT IS UNSPRINKLERED  
PROVIDE SPRINKLER AT LADDER (OR STEEPER)

6'-8" MIN  
AT LANDING

APPROVED  
GUARDRAIL

12" MAX  
STEP (OR  
PROVIDE STAIR)

4'  
MINIMUM

14'  
MIN

7' MIN  
(6' - 8" TO PROJECTIONS) AT  
OCCUPIABLE  
AREA

APPROVED STAIR  
OR LADDER WITH  
APPROVED  
ILLUMINATION

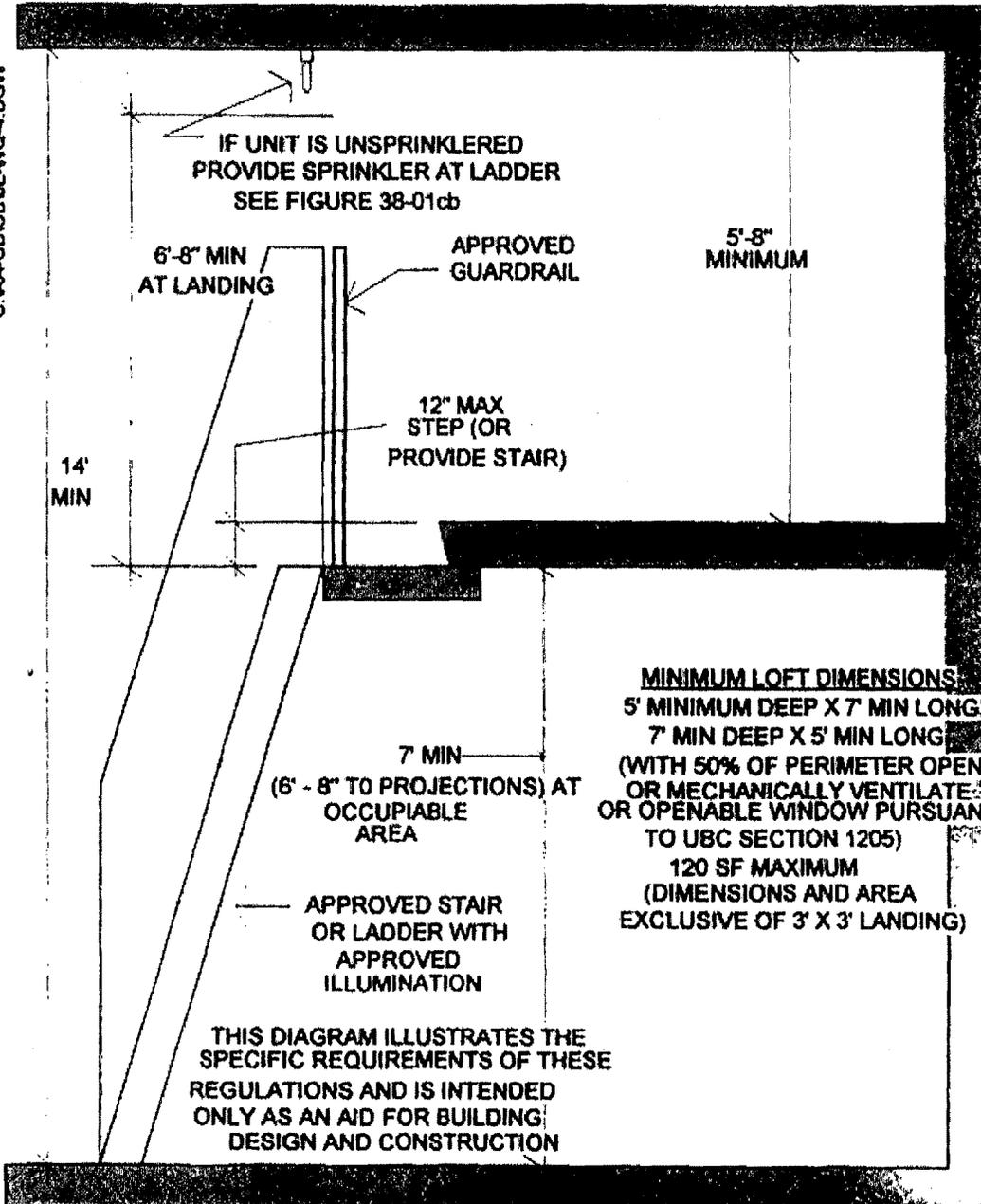
**MINIMUM LOFT DIMENSIONS**  
 5' MINIMUM DEEP X 7' MIN LONG  
 7' MIN DEEP X 5' MIN LONG  
 (WITH 50% OF PERIMETER OPEN  
 OR MECHANICALLY VENTILATE  
 OR OPENABLE WINDOW PURSUANT  
 TO UBC SECTION 1205)  
 120 SF MAXIMUM  
 (DIMENSIONS AND AREA  
 EXCLUSIVE OF 3' X 3' LANDING)

THIS DIAGRAM ILLUSTRATES THE  
SPECIFIC REQUIREMENTS OF THESE  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILDING  
DESIGN AND CONSTRUCTION

OPENABLE SKYLIGHT MAY PROVIDE  
VENTILATION (TYPICAL)

**MINIMUM REQUIREMENTS FOR JLWQ SLEEPING MEZZANINE  
(WITH SLOPING CEILING)**

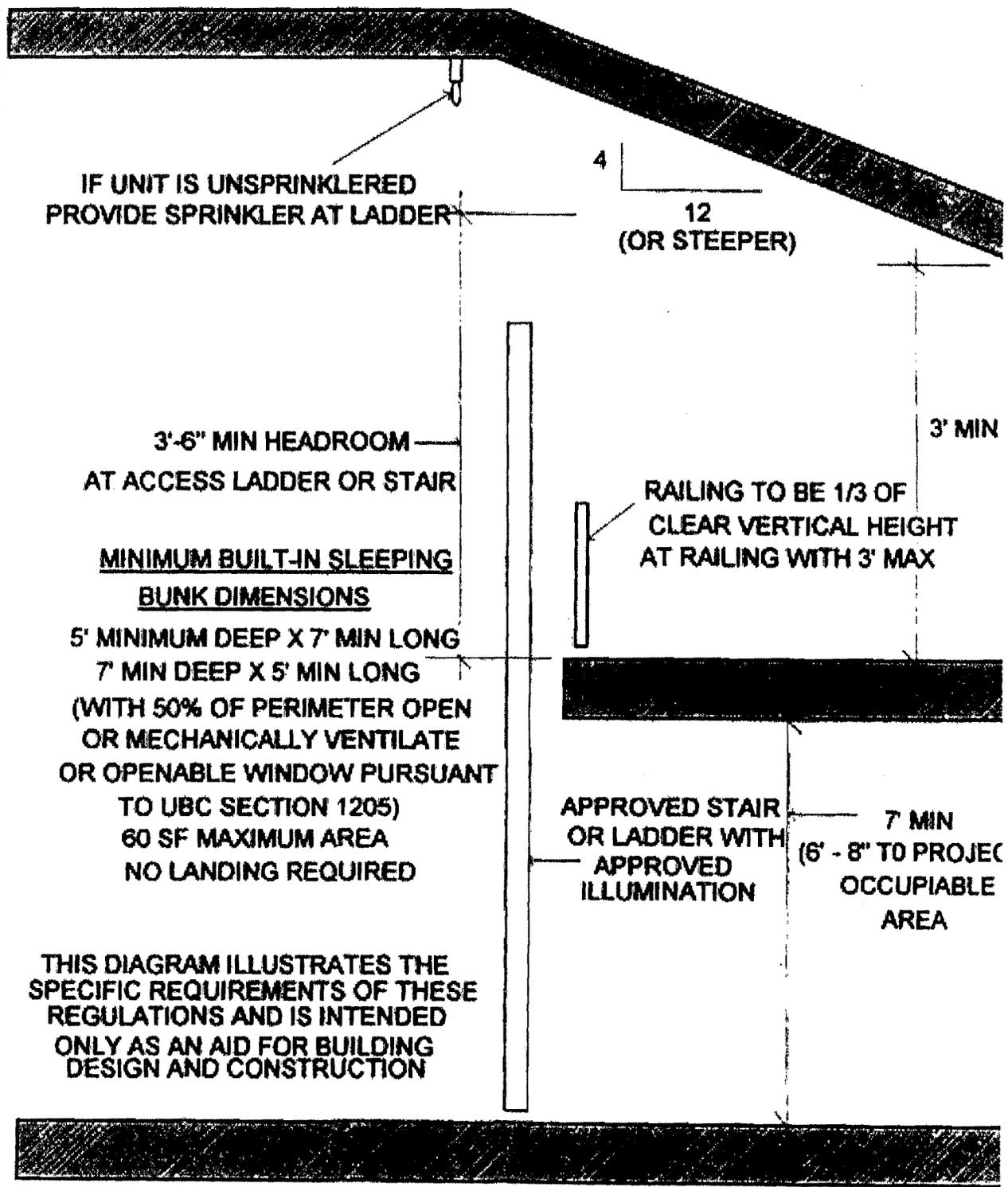
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**MINIMUM REQUIREMENTS FOR JLWQ SLEEPING MEZZANINE  
(WITH FLAT CEILING)**

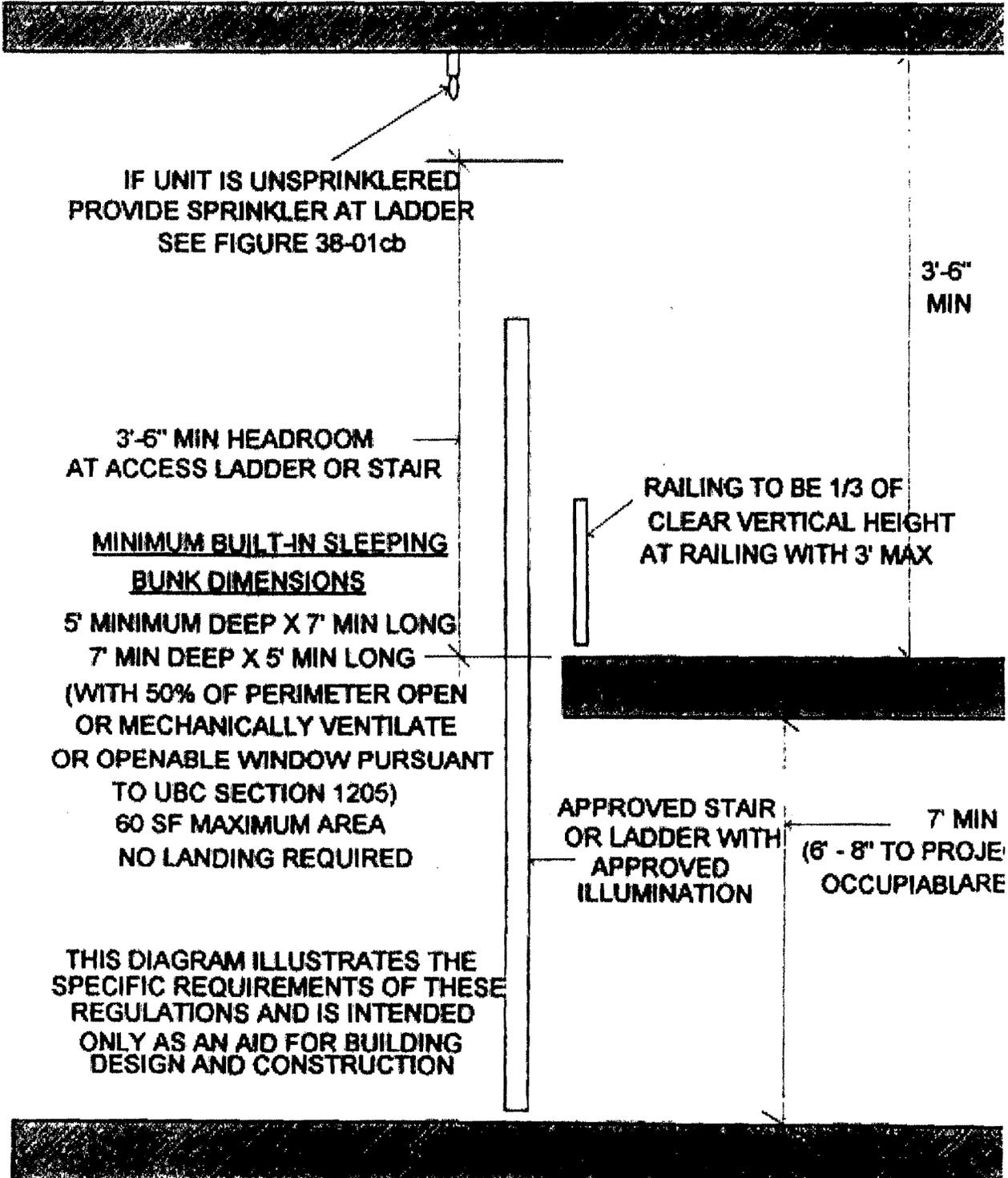
**FIGURE A - 3B-1B**

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THIS DIAGRAM ILLUSTRATES THE  
SPECIFIC REQUIREMENTS OF THESE  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILDING  
DESIGN AND CONSTRUCTION

**MINIMUM REQUIREMENTS FOR JL/WQ BUILT-IN SLEEPING BUNK**



IF UNIT IS UNSPRINKLERED  
PROVIDE SPRINKLER AT LADDER  
SEE FIGURE 38-01cb

3'-6"  
MIN

3'-6" MIN HEADROOM  
AT ACCESS LADDER OR STAIR

RAILING TO BE 1/3 OF  
CLEAR VERTICAL HEIGHT  
AT RAILING WITH 3' MAX

MINIMUM BUILT-IN SLEEPING  
BUNK DIMENSIONS

5' MINIMUM DEEP X 7' MIN LONG  
7' MIN DEEP X 5' MIN LONG  
(WITH 50% OF PERIMETER OPEN  
OR MECHANICALLY VENTILATE  
OR OPENABLE WINDOW PURSUANT  
TO UBC SECTION 1205)  
60 SF MAXIMUM AREA  
NO LANDING REQUIRED

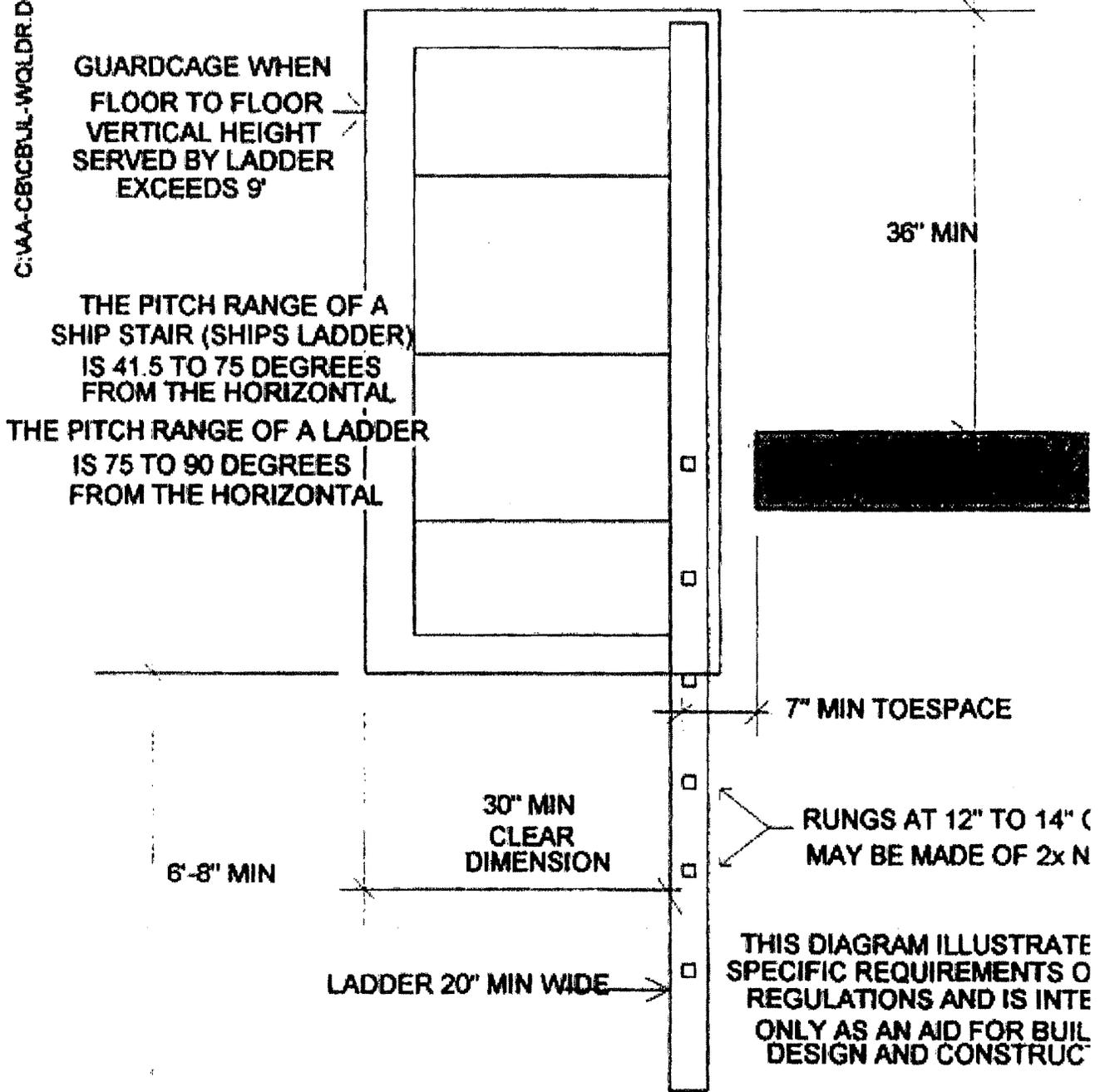
APPROVED STAIR  
OR LADDER WITH  
APPROVED  
ILLUMINATION

7' MIN  
(6' - 8" TO PROJE  
OCCUPIABLE ARE

THIS DIAGRAM ILLUSTRATES THE  
SPECIFIC REQUIREMENTS OF THESE  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILDING  
DESIGN AND CONSTRUCTION

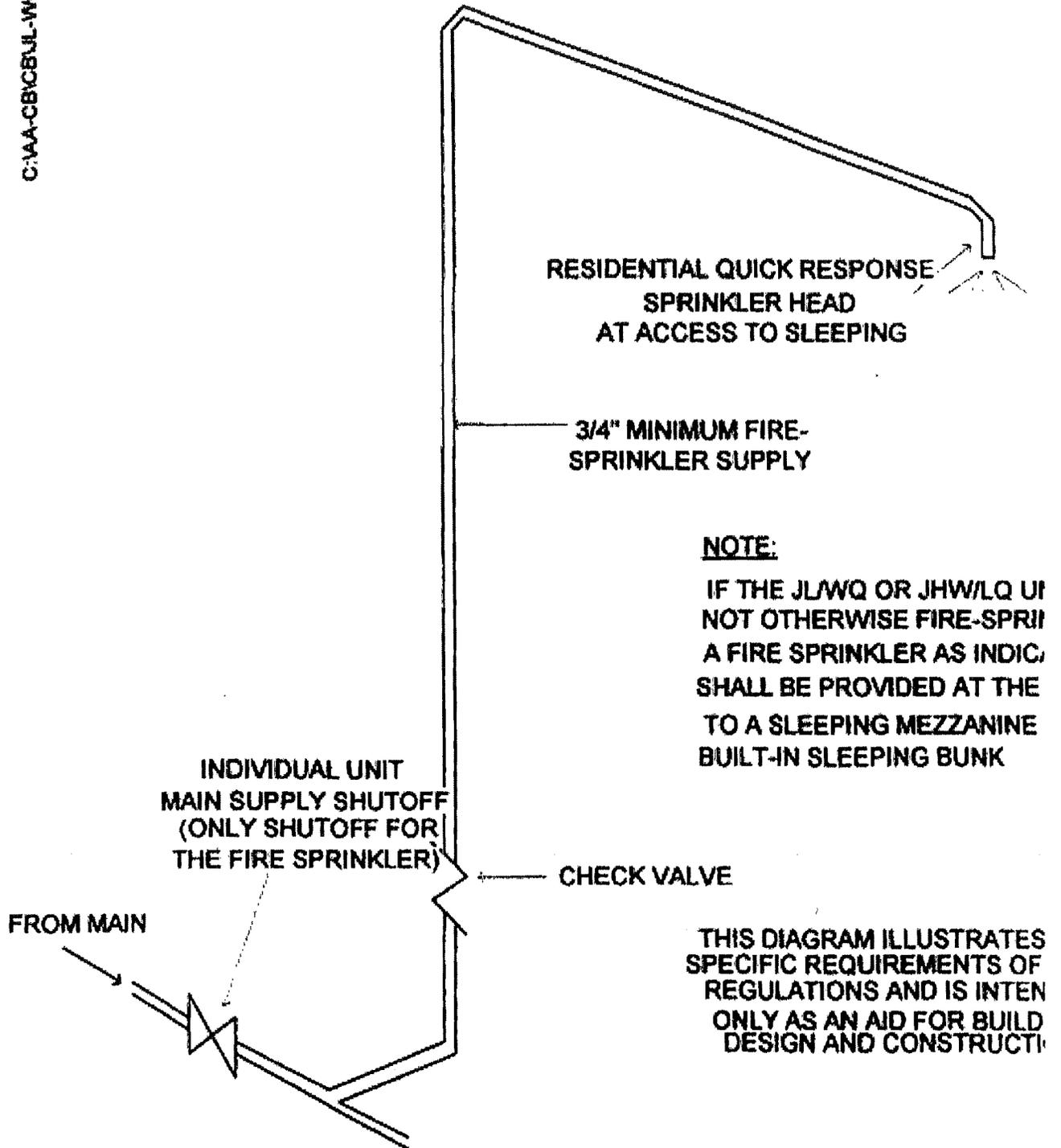
**MINIMUM REQUIREMENTS FOR JLWQ BUILT-IN SLEEPING BUNK  
(WITH FLAT CEILING)**

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**ACCESS LADDER TO SLEEPING MEZZANINE OR BUILT-IN SLEEPING BUNK FOR JL/WQ**

**FIGURE A - 3B-3**



**SCHEMATIC FOR FIRE SPRINKLER AT  
SLEEPING MEZZANINE OR BUILT-IN  
SLEEPING BUNK FOR JL/WQ**

**FIGURE A - 3B-4**

C:\AA-CBICBUL-WQ-8.DWG

EXTRA LAYER 5/8" TYPE 'X-GB  
ON UNITS WALL & CEILINGS

**SCHEMATIC SECTION**

**NOTE: THERE MAY BE NO REASON TO  
USE THIS ALTERNATIVE IF BASED ON  
OTHER CODE PROVISIONS ANOTHER  
STORY IS NOT A PROBLEM**

INTERIOR SIDE OF EXIT PATH  
WITH APPROPRIATE FIRE-  
RESISTIVE CONSTRUCTION

DOOR WITH  
APPROPRIATE FIRE-LABEL

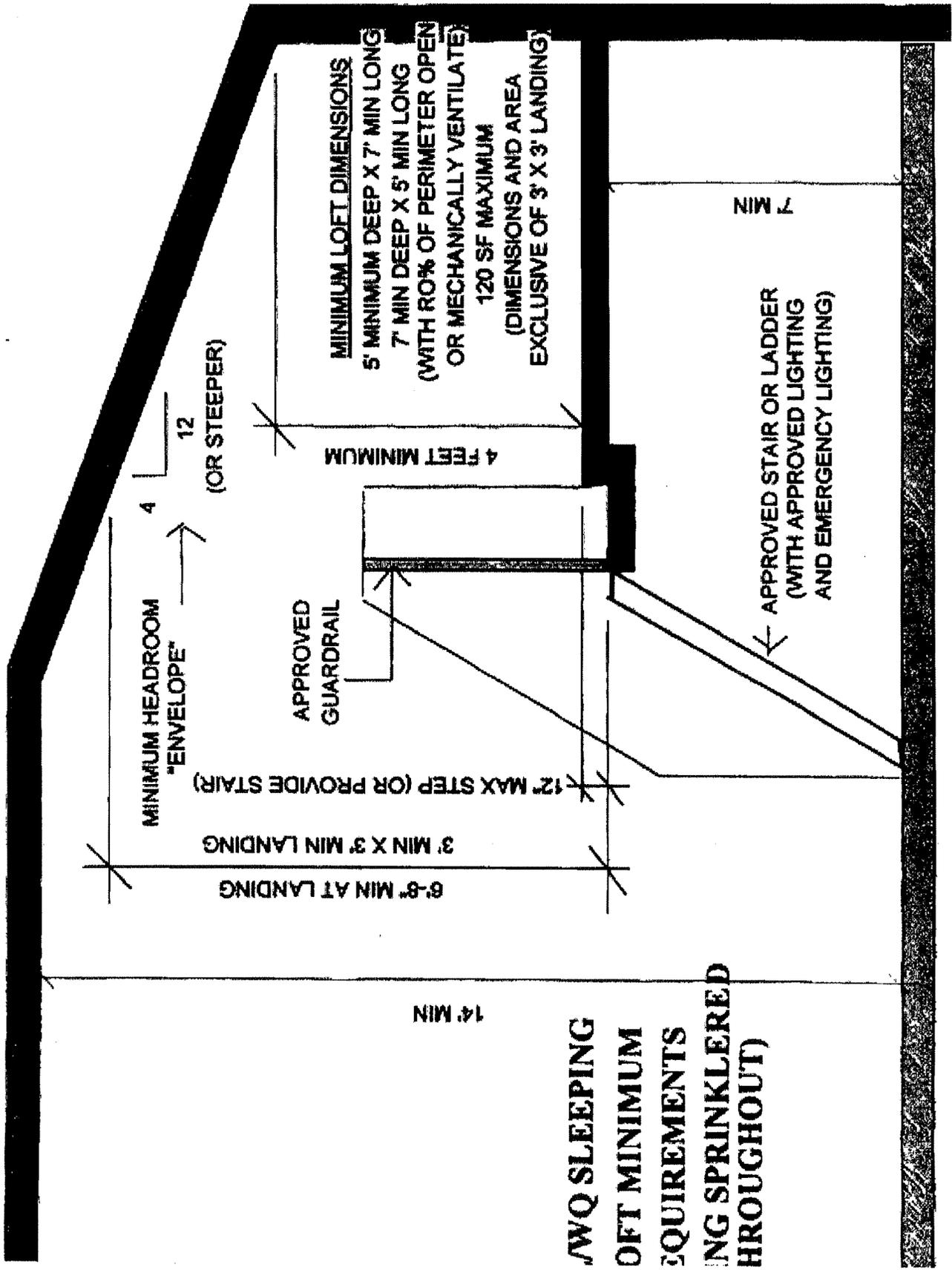
MAXIMUM 15 SQ FT GLAZING  
IF DBL WIRE GLAZE IN STEEL FRAME

**SCHEMATIC PLAN**

**CONSTRUCTION TO ALLOW LARGER  
PERCENTAGE MEZZANINE IN A  
LIVE WORK SPACE (R-7 OR F-7 OCC)**

**THIS DIAGRAM ILLUSTRATE!  
SPECIFIC REQUIREMENTS OF  
REGULATIONS AND IS INTEI  
ONLY AS AN AID FOR BUILT  
DESIGN AND CONSTRUCT**

**FIGURE A - 3R.5**



**NO SLEEPING  
 REQUIREMENTS  
 (INCLUDING SPRINKLERED  
 THROUGHOUT)**

14' MIN

6'-8" MIN AT LANDING

3' MIN X 3' MIN LANDING

12" MAX STEP (OR PROVIDE STAIR)

APPROVED  
 GUARDRAIL

MINIMUM HEADROOM  
 "ENVELOPE"

4

12

(OR STEEPER)

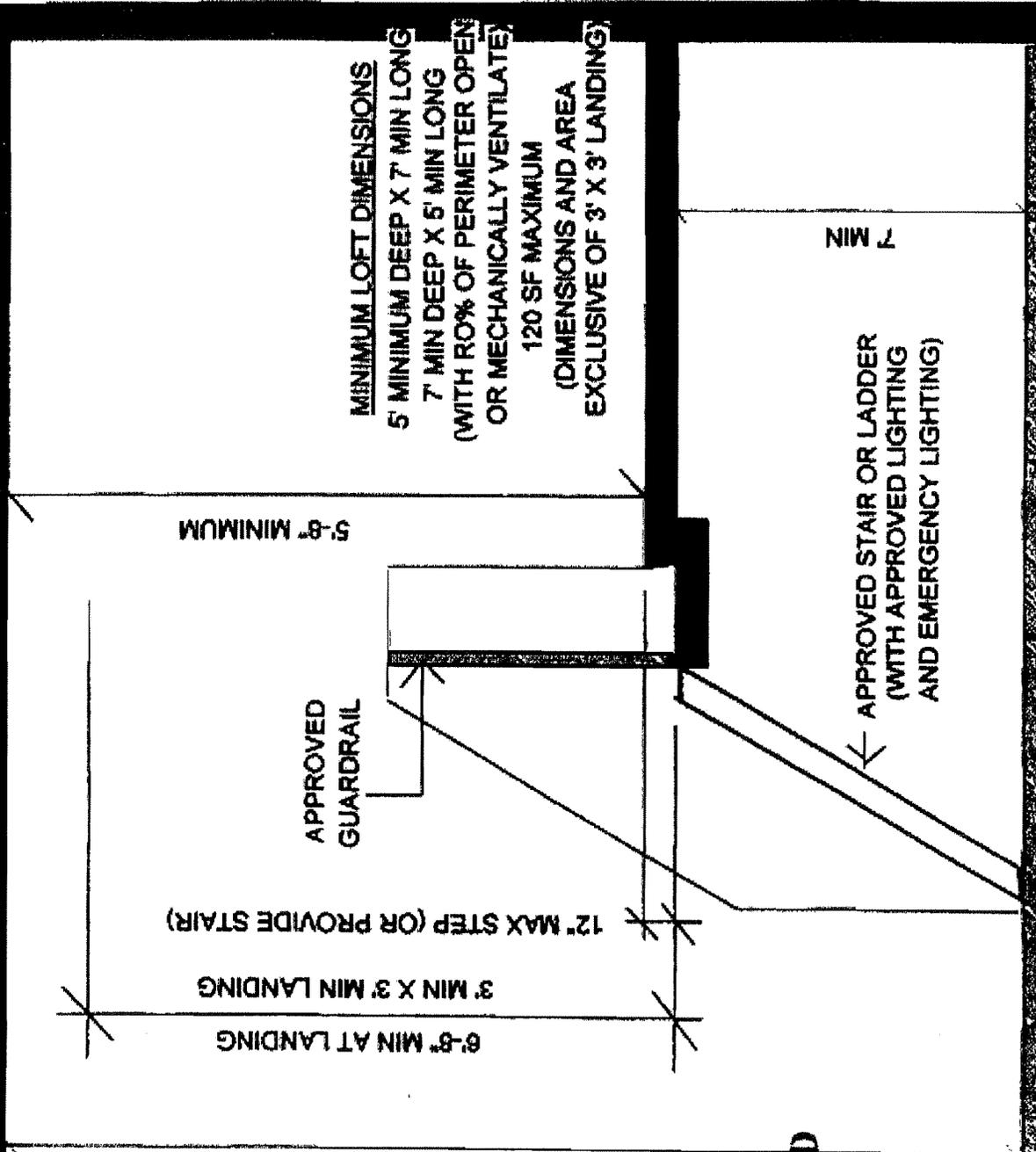
4 FEET MINIMUM

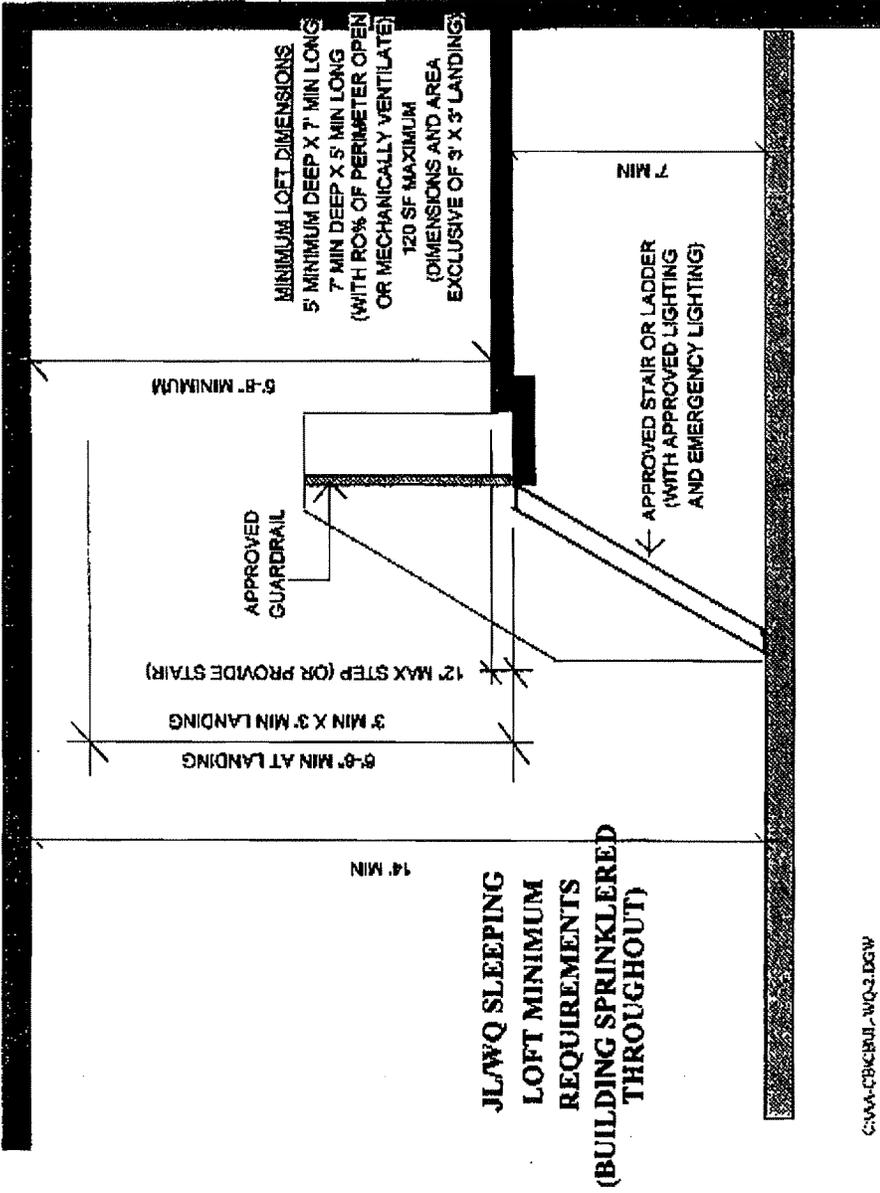
**MINIMUM LOFT DIMENSIONS**  
 5' MINIMUM DEEP X 7' MIN LONG  
 7' MIN DEEP X 5' MIN LONG  
 (WITH 90% OF PERIMETER OPEN  
 OR MECHANICALLY VENTILATE)  
 120 SF MAXIMUM  
 (DIMENSIONS AND AREA  
 EXCLUSIVE OF 3' X 3' LANDING)

3' X 3'

APPROVED STAIR OR LADDER  
 (WITH APPROVED LIGHTING  
 AND EMERGENCY LIGHTING)

**JL/WQ SLEEPING  
LOFT MINIMUM  
REQUIREMENTS  
(INCLUDING SPRINKLERED  
THROUGHOUT)**





C:\WA-CB\CIRUI\_WQ3.DWG

### Article III

#### Part 2 - California Electrical Code

##### Non-Administrative (Technical) Amendments

**15.04.700** In Article 210.8(a)(7) of the California Electrical Code, delete the words “wet bar”.

**15.04.705** In Article 210.11(c)(1) of the California Electrical Code, add the following new sentence.

“Each appliance fastened in place (fixed) including but not limited to dishwashers, garbage disposals, trash compactors, and microwave ovens, shall be supplied by a separate branch circuit rated for the appliance or load served.”

**15.04.710** In Article 210.12(B) of the California Electrical Code, add the following new sentence:

“Existing bedroom circuits shall have arc-fault protection as follows:

- (1) in an upgraded service panel of subpanel
- (2) where altered or extended. “

**15.04.715** In Article 230.26 of the California Electrical Code, add the following new paragraph:

“The service point of attachment shall be installed on the building or structure wall facing the serving line. The service point of attachment on a periscope-type service shall be installed within eighteen (18) inches of the building or structure wall facing the serving line.”

**15.04.720** In Article 230.28 of the California Electrical Code, add the following new paragraphs:

“Whereas service conduit may be used as a mast to support service-drop conductors, it shall be rigid metal conduit or intermediate metal conduit not less than one and one-quarter (1.25) inch trade size. Aluminum rigid metal conduit shall be not smaller than two (2) inches trade size where used as a periscope.

Service conduit above a building or structure roof shall not extend more than thirty (30) inches beyond the last support without bracing. The outer or upper end of overhead service conduit shall extend horizontally not more than eighteen (18) inches beyond the point of support or fastening. Service conduit coupled above a structure or past the edge of same shall be braced or supported between the coupling and the point of attachment.”

**15.04.725** In Article 230.43 of the California Electrical Code, replace the section in its entirety with the following:

“Service entrance conductors shall be installed in approved rigid metal conduit or intermediate metal conduit on the outside of building or structures and in approved rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with water-tight connectors within the building. Rigid non-metallic conduit (schedule 40 or schedule 80) shall be permitted to be installed for service lateral conduit where not exposed to physical damage.

Termination cans for service lateral conductors shall not encroach into the public way.”

**15.04.730** In Article 230.44 of the California Electrical Code, delete this section in its entirety.

**15.04.735** In Article 300.11(a) of the California Electrical Code, add the following new paragraph:

“Boxes shall be supported independently of the ceiling assembly. A maximum of three raceways or metal cables not to exceed one inch trade size shall be supported by independent support wires within the top or bottom 12 inches. Suspended ceiling framework and support wires shall be designed to support the additional loads imposed by electrical attachments.”

**15.04.740** In Article 334.15(b) of the California Electrical Code, add the following new paragraph and exception:

“The cable shall not be protected by other raceways for more than six feet. The cable shall be concealed at less than eight (8) feet above finished floor or grade.

**EXCEPTION**

In underfloor areas less than three (3) feet above grade when the cable is protected by guard strips, running boards, or installed through holes bored in joists or installed parallel with joists or other framing members.”

**15.04.745** In Article 334.23 of the California Electrical Code, replace the section in its entirety with the following:

“Non-metallic sheathed cable shall be covered in attics or roof spaces accessible by permanently installed ladder or stairs. Cable installed in attics or roof spaces otherwise accessible shall be protected by guard strips, running boards, or installed through holes bored in joists, or installed parallel with rafters or joists.

**EXCEPTION**

Cable may be installed perpendicular to top of ceiling joists wherever the headroom above the joist is not more than eighteen (18) inches.”

**15.04.750** In Article 358.12 of the California Electrical Code, add the following new section:

**Article 358.12(7)** In concrete in direct contact with the earth.

**15.04.755** In Article 410.16(c) of the California Electrical Code, add the following new paragraph:

“Fastening to the structure with no. 12 gage hangers and to the grid shall occur at diagonally opposite sides of 2x4 drop-in fixtures. Fixture installations shall further conform with the California Building Code Section 2504 and Standard 25-2, Section 25.213.”

**15.04.760** In Article 600.1 of the California Electrical Code, add the following new sentence:

“The provisions herein shall further include the requirements of the Oakland Sign Code.”

**15.04.765** In Article 695.13 of the California Electrical Code, add the following new sentence:

“Installations of fire pumps shall further conform with the requirements of the Oakland Fire Code as it pertains to Standard 20 of the National Fire Protection Association.”

**15.04.770** In Article 760.1 of the California Electrical Code, add the following new sentence:

“Installation of Fire Protection Signaling systems shall further conform with the requirements of the National Fire Protection Association recommended standards, the Oakland Building Construction Code and the Oakland Building Maintenance Code.”

**15.04.775** In Article \_\_\_\_\_ of the California Electrical Code, add the following new sentence:

"An approved raceway shall be provided in new construction for future installation of \_\_\_\_\_"

### **Article III**

#### **Part 3 - California Mechanical Code**

#### **Non-Administrative (Technical) Amendments**

**15.04.800** Adopt Appendix A - Standards of the California Mechanical Code in its entirety.

**15.04.805** Adopt Appendix B, Chapters 10 – Steam and Hot Water Boilers, 12 - Hydronics, 14 – Process Piping, and 15 – Solar Systems in their entirety.

**15.04.810** In Section 504.3.2.1 of the California Mechanical Code, at the following sentence after and separate from the Exception:

“Clothes dryers which are connected to a subduct exhaust system, as provided in the California Building Code, shall be equipped with an accessible secondary lint trap.”

**15.04.815** Delete Sections 507.1.5, 507.1.6, 507.1.7, 510.8.3 and 516 of the California Mechanical Code in their entirety.

**15.04.820** In Section 802.6.3 of the California Mechanical Code, add the following sentence at the end of the paragraph:

“Vents shall not be smaller in size than the cross-sectional area of the combined vent connector.”

**15.04.825** In Section 802.6.4 of the California Mechanical Code, add the following subsection:

“(4) Vertical vent systems conforming with the provisions of this section shall be designed by a registered design professional and approved by the Building Official.”

**15.04.830** Delete Section 510.8.3 of the California Mechanical Code in its entirety.

### **Article III**

#### **Part 4 - California Plumbing Code**

##### **Non-Administrative (Technical) Amendments**

**15.04.900** In Section 505.1.1 of the California Plumbing Code, add the following sentence at the end of the paragraph:

“Doors shall comply with the requirements of section 15.04.600.1 of this Code.”

**15.04.905** In Section 505.5 of the California Plumbing Code, add the following sentence at the end of the paragraph:

“When approved by the Building Official to discharge into a sanitary sewer system, water temperature shall not exceed 160<sup>0</sup> F.”

**15.04.910** In Section 510.6.4 of the California Plumbing Code, add the following sentence at the end of the first paragraph:

“Common gas vent systems conforming with the provisions of this section shall be designed by a registered design professional and approved by the Building Official.”

**15.04.915** In Section 510.10.3 of the California Plumbing Code, add the following sentence at the end of the first paragraph:

“Vents shall not be smaller in size than the cross-sectional area of the combined vent connector.”

**15.04.920** In Section 701.1.2 of the California Plumbing Code, replace this section in its entirety with the following:

“ABS and PVC DWV piping installation are limited to residential construction not more than two (2) stories in height and to relocatable public school buildings.

**EXCEPTION**

ABS and PVC DWV piping may be installed in residential hillside construction, where the building is classified as three (3) stories, with only two (2) habitable levels. One additional level that is not designed for human habitation and is used only for vehicle parking, storage, or similar use outside the individual dwelling unit shall be permitted.”

**15.04.925** In Section 713 - Private Sewage Disposal Systems of the California Plumbing Code, replace this section in its entirety with the following:

**Section 713.1** Performance, maintenance, repair, or abandonment of an existing private sewage disposal system shall conform with the requirements of the Alameda County Department of Environmental Health.

**Section 713.2** Installation, replacement, repair, maintenance, or modification of a water supply system and piping, in-ground pools, or other infrastructure with respect to an existing private sewage disposal system shall conform with the requirements of the Alameda County Health Department.

**Sec. 713.3** New or additional connections of a building sewer, waste pipe, or soil pipe to a proposed or existing private sewage disposal system shall be prohibited.

**Sec. 713.4** Proposed increases of the quantity or quality of sewage and liquid waste which may or will exceed the existing designed capacity of a private sewage disposal system shall be prohibited.

**Sec. 713.5** Modification or replacement of an existing private sewage disposal system for the purpose of increasing the existing capacity is prohibited.

**15.04.930** Delete Sections 901.2, 908.2, and 911.0 of the California Plumbing Code in their entirety.

**15.04.935** In Section 1013 of the California Plumbing Code, add the following new section:

**Section 1013.1** Commercial garbage or food waste grinders shall not be installed in produce markets, food markets or similar establishments.

**15.04.940** In Section 1211.3.2 of the California Plumbing Code, replace the phrase in subsection (4) beginning with “. . . or the use of a ground nut . . . “ with “. . . or left-right couplings”.

**15.04.945** In Section 1214.3 of the California Plumbing Code, add the following new section:

#### **1214.4.4 Installed Piping Inspection**

An inspection shall be required after all fuel piping and all concealments and intended coverings of the piping have been installed but before any fixtures, appliances, or shutoff valves have been attached. All necessary apparatus for conducting pressure tests shall be furnished in good working order by the permit holder. Gauges shall comply with section 319.0. All pressure tests shall be witnessed during the inspection, and there shall be no perceptible reduction in pressure throughout the time period of the test.

**15.04.950** In Section 1214.3.2 of the California Plumbing Code, replace this section in its entirety with the following:

“The test pressure shall be not less than 1.5 times the proposed maximum working pressure, but not less than 10 psi gauge pressure. For welded fuel piping and for fuel piping with proposed maximum working pressure exceeding 14 inches of water column, the test pressure shall be not less than 60 psi gauge pressure.”

**15.04.955** In Section 1214.3.3 of the California Plumbing Code, replace the phrase “. . . a minimum of 10 minutes “ in the sentence beginning “When testing a system . . . “ with “. . . a minimum of 15 minutes”.

**15.04.960** Adopt Appendix A of the California Plumbing Code in its entirety.

**15.04.965** Adopt Appendix B of the California Plumbing Code in its entirety.

**15.04.970** Adopt Appendix D of the California Plumbing Code in its entirety.

**15.04.975** In Appendix D of the California Plumbing Code, add Part D as follows:

#### **Part D - Disposal of Rainwater Drainage**

**Section D4.1** Rainwater drainage shall not be conveyed to a sanitary sewer.

**Section D4.2** Rainwater drainage below main storm drain level shall conform with the requirements of Section 409.

**Section D4.3** Approval shall be obtained from the Building Official prior to connecting rainwater drainage directly to a publicly maintained storm water drainage system. Issuance of a permit for such connections shall be discretionary.

**Section D4.4** Rain water drainage may be conveyed by a public street gutter to a publicly maintained storm water drainage system provided such gutter is continuously paved and further provided such drainage is conducted under a public sidewalk and through the curb by methods approved by the Building Official.

**Section D4.5** Exterior rainwater piping on that part of a building contiguous with a public walking surface shall be galvanized wrought iron, galvanized steel, or cast iron piping for not less than five (5) feet above the walking surface.

**15.04.980** Adopt Appendix F of the California Plumbing Code in its entirety.

**15.04.985** Adopt Appendix H of the California Plumbing Code in its entirety.

**15.04.990** Adopt Appendix “IAPMO Installation Standards” of the California Plumbing Code in its entirety.

### **Article III**

#### **Part 5 - California Residential Code**

##### **Non-Administrative (Technical) Amendments**

**15.04.1010** In Section R301.1.3 of the California Residential Code, delete the second sentence starting with “The extent of such design...” in its entirety.

**15.04.1015** In Section R302.1 of the California Residential Code, at the end of exception 4, add a new sentence “Roof eave projections shall not extend over the lot line.”

**15.04.1010** In Section R302.5.1 of the California Residential Code, replace the last sentence starting with “Doors shall be...” with “Doors shall be tight-fitting, self-closing, and self latching.”

**15.04.1015** In Section R302.7 of the California Residential Code, replace “1/2-inch (12.7mm)” with “5/8-inch (15.9mm) Type-X”.

**15.04.1020** In Section R303.1 of the California Residential Code, delete exception 2 in its entirety.

**15.04.1025** In Section R303.1 of the California Residential Code, delete “Habitable space” from the first sentence and add the new sentence “Habitable spaces shall have a ceiling height of not less than 7 feet 6 inches (2286mm).”

**15.04.1030** In Section R303.1 of the California Residential Code, replace 7 feet (2134mm) with “7 feet 6 inches (2286mm) in habitable spaces, 7 feet (2134mm) in nonhabitable spaces,”

**15.04.1035** In Section R308.4 of the California Residential Code, item 5, after the phrase “..., bathtubs and showers” insert “or within 3 feet measured horizontally of such fixtures or compartments”.

**15.04.1060** In Section R311.2 of the California Residential Code, delete the sentence starting with “Other doors...” and replace with “Door openings in a dwelling unit or sleeping unit which

are not part of the required means of egress and which serve occupiable spaces shall not be less than 28 inches in width and shall not be less than 80 inches in height.”

**15.04.1045** In Section R311.3.2 of the California Residential Code, replace “ $7\frac{3}{4}$ ” (196mm) with “ $1\frac{1}{2}$ ” (38.1mm)” and add the new sentence “The floor or landing may be not more than  $7\frac{3}{4}$ ” (196mm) below the top of the threshold provided the door does not swing over the landing or floor.”

**15.04.1050** In Section R401.1 of the California Residential Code, delete the last sentence in the first paragraph starting with “Wood foundations...” and the associated exceptions in their entirety.

**15.04.1060** In Section R401.1 of the California Residential Code, delete the second paragraph in its entirety.

**15.04.1065** Delete section R402.1 of the California Residential Code in its entirety.

**15.04.1070** In Section R403.1 of the California Residential Code, in the first sentence, delete the words “crushed stone footings” and “wood foundations”.

**15.04.1075** In Section R403.1.1 of the California Residential Code, delete the last sentence starting with “Footings for wood foundations...”.

**15.04.1080** In Section R403.1.3 of the California Residential Code, in the fourth paragraph ending with “...masonry stem walls without solid grout and vertical reinforcing are not permitted.”, delete the exception to this paragraph.

**15.04.1085** In Section R403.1.3.1 of the California Residential Code, at the end of the sentence add, “and intermediate No.4 bars vertically spaced at a maximum spacing of 18”.

**15.04.1090** In Section R403.1.6 of the California Residential Code, in the first sentence of the second paragraph, replace “6 feet (1829 mm) on center” with “4 feet (1219 mm) on center”.

**15.04.1095** In Section R403.1.6 of the California Residential Code, in the second sentence of the second paragraph, replace “ $1\frac{1}{2}$  inches (12.7 mm) in diameter” with “ $5\frac{1}{8}$  inches (15.9 mm) in diameter”.

**15.04.1100** In Section R403.1.6.1 of the California Residential Code, items 2 and 3, replace “6 feet (1829 mm) on center” with “4 feet (1219 mm) on center” and delete items 4 and 6

**15.04.1115** Delete Sections R403.2 and R403.4.1 of the California Residential Code in their entirety.

**15.04.1115** Delete Section 404.1.1.1 and Table R404.1.1(1) of the California Residential Code in their entirety.

- 15.04.1120** In Section R404.1.4.1 of the California Residential Code, delete the first paragraph and the associate items 1 through 3 in their entirety.
- 15.04.1125** In Section R404.1.4.2 of the California Residential Code, delete the last sentence of the first paragraph starting with “In addition to the horizontal reinforcement...” and the associated items 1 through 3 in their entirety.
- 15.04.1130** In Section R404.1.4.2 of the California Residential Code, delete the last sentence of the second paragraph starting with “Where Tables R404.1.2(2)...”.
- 15.04.1135** In Section R404.1.5.1 of the California Residential Code, in the first sentence after “thickness of the wall supported”, add “or 6 inches, whichever is greater”
- 15.04.1140** In Section R404.1.5.2 of the California Residential Code, in the first sentence after “story above” add “or 6”, whichever is greater”.
- 15.04.1145** Delete Section R404.2 and Table R404.2.3 of the California Residential Code in their entirety.
- 15.04.1150** Delete Section R405.2 of the California Residential Code in its entirety.
- 15.04.1155** Delete Section R406.3 of the California Residential Code in its entirety.
- 15.04.1160** In Section R408.3 - item 1 of the California Residential Code, at the end of the first sentence, add “over a 2.5” minimum concrete rat-proofing slab over earth”.
- 15.04.1165** In Section R606.2.4 of the California Residential Code, in the last sentence, delete “in areas subject to wind loads of 30 pounds per square foot (1.44 kPa)”.
- 15.04.1170** In Section R702.3.7 of the California Residential Code, at the end of the sixth sentence starting with “Gypsum board shall not be used...”, add the following to the end of this sentence: “, nor in buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, or D<sub>2</sub>”
- 15.04.1175** Delete Section R702.4.2 of the California Residential Code and replace with the following:
- 15.04.1180** Add the following new Section R702.4.2 to the California Residential Code:  
“**R702.4.2 Shower and tub areas.** Tiles installed in shower and tub areas shall comply with the requirements of CBC 2509.3.”
- 15.04.1185** In Section R802.3 of the California Residential Code, delete “...or to each other with a gusset plate as a tie” in the first sentence.

Article III

Part 4 - California Green Building Standards Code

Non-Administrative (Technical) Amendments

15.04.1200 Wherever the provisions of the California Green Building Standards Code conflict with the provisions of City of Oakland Municipal Code Chapter 18.02 – Sustainable Green Building Requirements For Private Development, the provisions of the enabling ordinance shall prevail; and be it

**FURTHER ORDAINED:** That this Ordinance shall become effective on and after January 1, 2011; and be it

**FURTHER ORDAINED:** That the Building Official of the City of Oakland is hereby authorized to file a copy of this Ordinance, along with a copy of the Resolution of findings supporting the adoption of local amendments to the 2010 editions of the California Model Building Codes, with the California Building Standards Commission.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 9 2010, 2010

PASSED BY THE FOLLOWING VOTE:

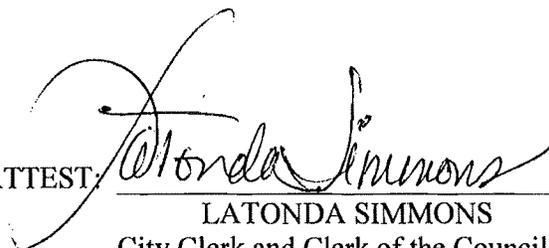
AYES - BROOKS, DE LA FUENTE, KAPLAN KERNIGHAN, NADEL, QUAN, REID, and  
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

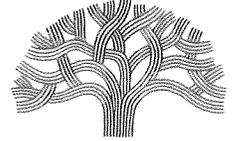
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date OCT 19 2010

DATE OF ATTESTATION

12/23/10

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612

Community and Economic Development Agency  
Office of the Executive Director

(510) 238-3941  
FAX (510) 238-2226  
TDD (510) 238-3254

November 17, 2010

Jane Taylor, Senior Architect  
Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

## **RE: City of Oakland Green Building Ordinance for Private Development Projects**

Dear Ms. Taylor,

The City of Oakland is pleased to submit our application for local amendments and modifications to the Oakland Building Code as part of our mandatory green building ordinance for private development projects. The ordinance was unanimously approved by the California Energy Commission on September 22, 2010 (Resolution 10-0922-3) and by the Oakland City Council on October 19, 2010.

While our new green building ordinance does not include CALGreen specifically by name, the GreenPoint Rated and StopWaste.Org of Alameda County Waste Management Authority rating systems and checklists referenced in the ordinance are being revised to include the new CALGreen mandatory measures. Furthermore, on November 9, 2010 City Council approved local amendments to Oakland's Building Code to adopt the CALGreen mandatory requirements for projects that use the LEED checklists, are not covered by our green building ordinance, or by omission but would need to be covered per CALGreen. These local amendments will be submitted to the Building Standards Commission once the ordinance has been signed and filed by the Oakland City Clerk. We anticipate that this will be submitted to you in December or January of 2010.

Per California Health and Safety Code Sections 17958, 17958.5, 17958.7 and the California Building Standards Code, cities are permitting to make such changes in the code that they deem necessary because of local climatic, geological, and topographical conditions." Exhibit A-1, again approved by the Oakland City Council with the Ordinance on October 19, 2010 contains these findings.

Thank you for your consideration of the City of Oakland's Green Building Ordinance. Please don't hesitate to contact Heather Klein at [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) if you have questions.

Sincerely,

Walter S. Cohen  
Director, Community and Economic Development Agency  
City of Oakland

### **Attachments**

- A: Green Building Ordinance with Exhibit A-1 Findings
- B: California Energy Commission Resolution

RECEIVED  
CALIFORNIA ENERGY COMMISSION  
NOV 19 10 8:33 AM

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

INTRODUCED BY

2010 NOV 10 AM 11:47

APPROVED FOR FORM AND LEGALITY

*K Jain*

DEPUTY CITY ATTORNEY

\_\_\_\_\_  
COUNCILMEMBER

## OAKLAND CITY COUNCIL

Ordinance No.           13040           C.M.S.

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**ORDINANCE ADOPTING OAKLAND MUNICIPAL CODE TITLE 18  
- SUSTAINABILITY, CHAPTER 18.02 SUSTAINABLE GREEN  
BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT TO  
ESTABLISH ENVIRONMENTALLY SUSTAINABLE REGULATIONS  
FOR BUILDING CONSTRUCTION, REMODELING, LANDSCAPING  
AND DEMOLITION**

**WHEREAS**, the Oakland City Council adopted the Sustainable Community Development Initiative (SCDI) through Resolution No. 74678 on December 1, 1998; and

**WHEREAS**, one of the adopted goals of the Oakland City Council is to "Develop a Sustainable City" and to "maximize socially and environmentally sustainable economic growth, including conserving natural resources;" and

**WHEREAS**, in May 2005, the Oakland City Council unanimously adopted a Civic Green Building Ordinance, joining numerous other cities in requiring that City owned or occupied buildings to meet specific green building standards set by the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system; and,

**WHEREAS**, in May 2006, the Oakland City Council adopted a Resolution establishing the Alameda County Residential Green Building Guidelines (for new home construction, home remodeling and multifamily residential development), U.S. Green Building Council's LEED™ rating systems (for new commercial construction and remodeling), and Bay-Friendly Landscape Guidelines as official city reference documents for private development projects; and

**WHEREAS**, the demolition, design, construction, and maintenance of buildings and structures has a significant impact on the City's environmental sustainability, resource usage and efficiency, greenhouse gas emissions, waste management, and the health and productivity of residents, workers, and visitors; and

**WHEREAS**, green building is a whole systems approach to the location, siting, design, construction, operation, demolition, and landscaping of buildings and structures that reduces or eliminates the environmental, economic, and social impacts of associated with conventional building practices; and

**WHEREAS**, green building can have significant positive effect on energy, water, and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the building and landscape; and

**WHEREAS**, in recent years, green building construction and landscaping design have become increasingly widespread in California and in Oakland, with many homeowners, businesses, and building professionals voluntarily seeking to incorporate these techniques and operations into their projects; and

**WHEREAS**, at the national level, the U.S. Green Building Council has taken the lead in promoting and guiding green building by developing the Leadership in Energy and Environmental Design (LEED) Rating System and Reference Guide; and

**WHEREAS**, at the state level, Build It Green's GreenPoint Rated program has become the industry standard for residential new construction and remodels; and

**WHEREAS**, at the county level, Stopwaste.Org has developed the Small Commercial Building Checklist and the Bay Friendly Basic Landscape Checklist as a list of best management practices to promote green building and landscaping practices where other rating programs are not applicable; and

**WHEREAS**, many cities within California have adopted mandatory green building ordinances for both public and private development using the Build It Green, LEED, and StopWaste.Org rating systems; and

**WHEREAS**, as outlined in the Oakland City Council's approval of a draft Greenhouse Gas reduction target in July of 2009 which would include green building actions, it is critical to both the economic and environmental health of the City of Oakland that the City provide leadership to the public and private sectors in the area of green building and sustainable landscapes; and

**WHEREAS**, the most immediate and meaningful way to do so is to include green building and landscape requirements for both the public and private sectors that are stricter than current building standards, based on local climatic, geological, and topographical conditions and are shown to be cost effective over the life of the building and landscape; and

**WHEREAS**, the proposed ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) each as a separate and independent basis pursuant to, without limitation,: (1) CEQA Guidelines pursuant to, without limitation,: (1) CEQA Guidelines Section 15307 (actions by regulatory agencies for the protection of natural resources; (2) CEQA Guidelines Section 15308 (actions by regulatory agencies for the protection of the environment); (3) CEQA Guidelines Sections 15060(c)(2) and 15061 (b)(3), (it can be seen with certainty that there is no possibility that the activity in question may have a significant (negative) effect on the environment), and , which exempt changes in Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

**WHEREAS**, the proposed ordinance, which requires changes and amendments to the Oakland Building Code, is necessary because of “local climatic, geological, and topographical conditions” per the California Health & Safety Code Sections 17958, 17958.5 and 17958.7 and the California Building Standards Code.

**WHEREAS**, the proposed standards in the Ordinance are cost effective and will require the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards.

**WHEREAS**, the City Planning Commission held several publicly noticed meetings to take public testimony and discuss the regulations, including a meeting on April 7, 2010 where they voted to recommend the proposal to the City Council; now, therefore,

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

**SECTION 1.** The City Council finds and determines the forgoing recitals to be true and correct and are an integral part of the Council’s decision, and hereby adopts and incorporates them into this Ordinance.

**SECTION 2.** The City Council hereby finds that the City is proposing to adopt various enumerated changes and modifications to the Oakland Building Code (Code). California Health and Safety Code Sections 17958, 17958.5 and 17958.7 and the California Building Standards Code permit cities to make such changes or modifications in the Code as they determine are reasonably necessary because of “local climatic, geological, and topographical conditions” provided that such modified standards and findings are filed with the California Building Standards Commission. Such findings detailed in Exhibit A-1 attached hereto are adopted by the Council and shall be filed with the California Building Standards Commission.

**SECTION 3.** The City Council hereby finds that the proposed building standards are cost effective and will require the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards, based on the findings in the January 21, 2009 study entitled “Energy Cost Effectiveness Case Studies using the 2008 Title 24 Building Energy Efficiency Standards,” adopted by the StopWaste.Org Board on April 22, 2009 and made a part hereof by this reference and detailed in Exhibit A-2.

**SECTION 4.** A new title, Title 18, Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development is hereby added to the Oakland Municipal Code as follows:

**Title 18 – Sustainability**  
**Chapter 18.02 Sustainable Green Building Requirements for Private Development**

**Sections:**

**Article 1 – Intent**

**18.02.010 Title**

**18.02.020 Purpose and Intent**

**Article II – Administrative**

**18.02.030 Definitions**

**18.02.040 Scope and Applicability**

**18.02.050 Authority**

**18.02.060 Conflict**

**18.02.070 Amendments**

**18.02.080 Payments**

**Article III – Green Building Compliance Standards**

**18.02.090 Compliance Standards Table Effective until December 31, 2010**

**18.02.100 Compliance Standards and Table Effective January 1, 2011**

**Article IV- Entitlement Phase**

**18.02.110 Green Building Documentation Requirements**

**18.02.120 Review and Consideration of Green Building Documentation**

**18.02.130 Compliance**

**18.02.140 Appeal Procedures**

**Article V – Construction Phase**

**18.02.150 Green Building Documentation Requirements**

**18.02.160 Review and Consideration of Green Building Documentation**

**18.02.170 Compliance**

**18.02.180 Appeal Procedures**

**Article I - Intent**

**Section 18.02.010 Title**

This Chapter shall be known as the “Sustainable Green Building Requirements for Private Development” and is referred to herein as this Chapter.

**Section 18.02.020 Purpose and Intent**

This Chapter is intended to promote economic development and enhance the health, safety, and welfare of its residents, workers, and visitors through the integration of environmentally sustainable strategies in building construction and landscapes in the City. The minimum

standards, set forth herein, are intended to minimize the use of natural resources and the production of waste and maximize the healthfulness of enclosed environments.

## **Article II - Administrative**

### **Section 18.02.030 Definitions**

As used in this Chapter, the following terms shall have the meanings set forth hereto or as otherwise specified in the regulations referenced herein. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

**ADDITION/ ALTERATION** for the purposes of this Chapter only means any change, addition, or modification to an existing building or structure, including, but not limited to, remodeling, renovations, tenant improvements, and expansion in floor area.

**ADDITION/ ALTERATION - MAJOR** for the purposes of this Chapter only means Addition/Alteration of non-residential buildings where (a) interior finishes are removed, (b) major upgrades to mechanical, electrical and/or plumbing systems are proposed, and (c) where such Addition/Alteration is 25,000 square feet or more.

**APPLICANT** means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Oakland),, industry, public or private corporation, or any other entity that applies to the City for permits to undertake any construction within the City subject to this Chapter.

**BUILDING** is defined under Chapter 15.35.030.

**CHECKLIST** means the most recent green building methodology and rating system suitable for the type of construction proposed in evaluating the conformance with provisions of this Chapter, as determined by the City's Planning and Zoning Division.

**CHECKLIST - BAY-FRIENDLY BASIC LANDSCAPE** means the most recent version of the Checklist developed by StopWaste.Org for use in the professional design, construction and alterations of landscapes, and any subsequent Checklists associated with the green building methodology.

**CHECKLIST - GREENPOINT RATED AND GREENPOINTS (GPR)** means the most recent versions of the Checklists, associated with the green building rating system and certification methodology developed by Build It Green, including but not limited to, the Single-Family GreenPoint Rated Checklist, the Multifamily GreenPoint Rated Checklist, the GreenPoint Rated Checklist Existing Home (Elements Label), and any subsequent Checklists.

**CHECKLIST - LEED™** means the most recent versions of the Checklists, associated with the green building rating system and certification methodology developed by the United States Green Building Council (USGBC), including but not limited to, LEED for New Construction, LEED for Existing Buildings, LEED for Commercial Interior, LEED for

Homes, LEED for Schools, LEED for Retail, LEED for Neighborhood Development and any subsequent Checklists.

**CHECKLIST - SMALL COMMERCIAL** means the most recent version of the Checklist, associated with the green building methodology developed by StopWaste.Org, for use in the professional design, construction, and additions and/or alterations of small commercial (non-residential) buildings and any subsequent Checklists.

**COMPLIANCE STANDARDS TABLE** means the tables located in Section 18.02.090 and Section 18.02.100 of this Chapter which outlines the applicable size thresholds, checklist(s), and minimum compliance requirements for each construction type.

**CONSTRUCTION** means work which is subject to the Oakland Building Construction Code.

**CONSTRUCTION PHASE - PERMITTING** means the engineering approval process for a permit, including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

**CONSTRUCTION PHASE - INSPECTIONS** means the site inspection process for a permit including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

**DECONSTRUCTION** for the purposes of this Chapter means the systematic dismantling of a Building to preserve the useful value of its component materials.

**DEMOLITION** for the purposes of this Chapter only means the full or partial razing, ruining, tearing down or wrecking of any Building's exterior structure not withstanding the provisions of Chapter 15.36 of the Oakland Municipal Code.

**ENTITLEMENT PHASE** means the land use approval process per the Oakland Planning Code for a planning permit such as, but not limited to, a conditional use permit, design review or variance permit, and the continued compliance with the Conditions of Approval under which such permit was approved.

**GREEN BUILDING CERTIFICATION** means the certification that the construction complies with the provisions of this Chapter by (a) Build It Green for GreenPoint Rated projects, (b) the Green Building Certification Institution (GBCI) or U.S. Green Building Council for LEED projects, (c) the City's Building Services Division for the Checklist - Small Commercial, the Checklist - Bay-Friendly Basic Landscape, or (d) the City's Environmental Services Division for deconstruction.

**GREEN BUILDING CERTIFIER** means an individual who (1) can certify that the Applicant is in compliance with this Chapter; (2) does not have financial interest in the project for which Green Building Certification is being sought; provided however, that compensation for providing such certification only shall not be deemed a financial interest, and (3) is (a) currently certified by the United States Green Building Council as a LEED™ Accredited Professional, or (b) currently certified by Build It Green as a GreenPoint Rater. However, if

the Green Building Compliance Officer is the Green Building Certifier than conditions 3(a) and 3(b) in this paragraph is not applicable. The Green Building Certifier must comply with the conflict of interest or code of conduct policies of the rating system, as may be applicable. The Green Building Compliance Officer acts as the Green Building Certifier for projects subject, but not limited to, LEED for Neighborhood Development, Checklist - Small Commercial, Checklist - Bay-Friendly Basic Landscape, and Deconstruction.

**GREEN BUILDING COMPLIANCE OFFICER** means the City Administrator or designee(s) who is/are responsible for enforcement of this Chapter during the entitlement phase and all phases of construction.

**GREEN BUILDING DOCUMENTATION** means the information required by the Green Building Compliance Officer sufficient to confirm compliance with the provisions of this Chapter.

**HISTORIC PRESERVATION PLANNER** for the purposes of this Chapter means a City of Oakland Planning and Zoning Division staff person or designee assigned to review the application submitted pursuant to this Chapter to ensure that the historic integrity of a Historic Resources is not adversely altered by implementation of this Chapter.

**HISTORIC RESOURCE** for the purposes of this Chapter only means a Historic Resource, including any Designated Historic Property, any Potentially Designated Historic Property that have an rating of A or B or are located within an Area of Primary Importance as these capitalized terms are defined in Oakland's Historic Preservation Element.

**LEED™** means Leadership in Energy and Environmental Design.

**MIXED-USE** for the purposes of this Chapter means a Building or group of Buildings located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or in a single building and which contain both residential and non-residential occupancies.

**OAKLAND BUILDING CONSTRUCTION CODE** means Chapter 15.04 of the Oakland Municipal Code.

**OAKLAND PLANNING CODE** means Title 17 of the Oakland Municipal Code.

**OCCUPANCY** for the purposes of this Chapter only means the assigned use of a Building or a portion a Building unless otherwise indicated.

**RATING SYSTEM** means the green building methodology determined by the City Planning and Zoning Division for evaluating compliance with the provisions of this Chapter for the Entitlement Phase and Construction Phases – Permitting and Inspections.

**RECORD TITLE HOLDER** means the current owner(s) of the fee simple interest of a real property.

**REMOVAL** for the purposes of this Chapter only shall mean either demolition or deconstruction of a Building, but does not include relocation of a Building.

**REQUEST FOR REVISION PLANCHECK PROCESS** for the purposes of this Chapter is the process by which a project Applicant may formally request a revision to the Entitlement Phase and/or Construction Phase-Permitting or Construction Phase-Inspection permits.

**RESIDENTIAL** for the purposes of this Chapter only means a Building or group of Buildings containing a residential Group R occupancy and not do not contain a non-residential occupancy, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof, including residentially oriented live/work units and HBX live/work units as such classifications are defined under Section 17.09.040 of the Oakland Planning Code.

**SHALL/ WILL** means a determinative directive which includes the common meaning of the word *must*.

**UNREASONABLE HARDSHIP** for the purposes of this Chapter shall mean practical infeasibilities, difficulties, or results inconsistent with the general purposes of this Chapter that are only applicable during the Entitlement Phase.

#### **Section 18.02.040 Scope and Applicability**

This Chapter establishes the scope and applicability of construction, related to siting, designing, constructing, remodeling, demolishing, and landscaping that reduces the environmental and economic impacts of conventional construction practices.

##### **A. Inclusions**

This Chapter shall apply to the following:

- Residential New Construction
- One and Two-Family Additions /Alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area
- Multi-Family (3+units) Additions/Alterations
- Non-Residential New Construction of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Non-Residential Additions/Alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Removal of a Historic Resource and construction of a new building
- Historic Residential Additions/Alterations
  - a) One and Two-Family Additions/Alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area

b) Multi-Family (3+ units) Additions/Alterations

- Historic Non-Residential Additions/Alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Affordable housing new construction and rehabilitation which receives City/Redevelopment Agency funding and has restrictions on income and rent/sales price.
- Mixed-use construction
- Construction of more than 500 square feet of contiguous or non-contiguous gross floor area requiring a Design Review Permit and a landscape plan subject to the Bay Friendly Landscape Basic Landscape Guidelines.

**B. Exclusions**

This Chapter shall not apply to the following:

- Fences, decks, arbors, pergolas, retaining walls, and signs.
- Secondary dwelling units, as defined in the Oakland Planning Code Section 17.102.360.
- Repair or replacement of roof covering, fenestration, and façade materials.
- Group U detached accessory buildings which do not exceed 1,000 square feet of floor area.
- Construction, additions, and alterations which are exempted from the permitting requirements both of the Oakland Building Construction Code and the Oakland Planning Code.
- Factory-built buildings approved by the State of California and manufactured housing approved by the United States Department of Housing and Urban Development.
- City and Redevelopment Agency capital improvement construction, alterations, and additions which are subject to Chapter 15.68 of the Oakland Municipal Code or the Bay-Friendly Landscaping Guidelines.
- Seismic retrofits only.
- Fire repairs to buildings that are damaged less than 75% of the current replacement cost per Section 17.114.120 of the Oakland Planning Code.

### **C. 2008 Building Energy Efficiency Standards**

Notwithstanding any additional requirements contained in this Chapter, all buildings submitted for permit by the City of Oakland shall meet all applicable portions of the 2008 Building Energy Efficiency Standards contained in the California Code of Regulations, Title 24, Part 6.

### **D. Ongoing Review**

- a) The Community and Economic Development Agency shall review this Chapter biannually and provide a report to the Planning Commission to determine whether it needs to be updated because of, but not limited to, new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.Org, Build It Green, and LEED or the development of another effective rating system.
- b) The Community and Economic Development Agency shall review this Chapter with the adoption of each future Title 24 standards.

## **Section 18.02.050 Authority**

### **A. General**

The Green Building Compliance Officer is hereby authorized to enforce the provisions of this Chapter. The Green Building Compliance Officer may also adopt rules and regulations to implement this Chapter.

### **B. Abatement of Violations**

It shall be unlawful for any person, firm, or corporation to maintain any Building or portion thereof or real property or cause or allow the same to be done in violation of this Chapter. In addition to the civil penalties provided by pursuant to Oakland Municipal Code Chapter 1.08, a violator shall be liable for such costs, expenses, accruing interest, and disbursements paid or incurred by the City or any of its contractors in correcting, abating, and/or prosecuting such violation pursuant to Oakland Municipal Code Section 15.08.110.

### **C. Notification of Violations**

A notice of violation under this Chapter shall be served in accordance with Oakland Municipal Code Section 15.08.110(B).

### **D. Fees, Costs, Penalties and Interest**

The fees and costs incurred and the civil penalties assessed and the interest accrued in ascertaining violations or affecting abatement thereof and in collecting such fees, costs, penalties, accruing interest, and attorneys' fees shall be a charge against the real property and record title holder. Such fees, costs, penalties, and accruing interest shall be as established in

the Master Fee Schedule and may be recovered by all appropriate legal means, including nuisance abatement liens, prospective and priority liens, special assessments of the general tax levy, and civil and small claims court action brought by the City, and combinations of such actions.

#### **E. Service and Collection**

The methods of service for collection actions and the types and contents of the instruments of collection shall be as set forth in Chapter 15.08 of the Oakland Municipal Code, as may be amended.

#### **Section 18.02.060 Conflict**

Wherever the provisions of this Chapter conflict with each other or with the provisions of other associated codes, regulations, or ordinances, the more restrictive provision or standard shall control.

#### **Section 18.02.070 Amendments**

Where any section, subsection, sentence, clause, phrase, or other part of this Chapter and the referenced law recited herein are amended subsequently, all provisions of the original recitation not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

#### **Section 18.02.080 Payments**

The Record Title Holder shall pay all fees as established in the Master Fee Schedule associated with this Chapter, including but not limited to, the submittal of Green Building Documentation, requests for determinations, unreasonable hardship, alternative methods, appeals, and administrative hearings to the City.

### **Article III - Green Building Compliance Standards**

#### **Section 18.02.090 Compliance Standards Table Effective until December 31, 2010**

The criteria in the Compliance Standards Table, below, applies 30 days after adoption of this Chapter and ends December 31, 2010. Note that where a “completed checklist” is required in this section, 18.02.090, that there is no requirement to become certified by Build it Green, U.S. Green Building Council, StopWaste.Org or any other non-governmental agency. Furthermore, compliance with Section 18.02.090 in no way enables the applicant to declare compliance with the associated programs of GreenPoint Rated, LEED or Small Commercial Building. All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One and Two Family Dwellings (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>LEED for Homes</li> </ul>	Completed checklist
<b>B. Multi-Family Dwellings (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Multi-Family GPR</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR, or</li> <li>LEED New Construction</li> </ul>	Completed checklist
<b>2. Residential Additions and Alterations</b>	
<b>A. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>Completed checklist (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist (Whole House Label)</li> </ul>
<b>3. Non-Residential New Construction</b>	
<b>A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)
<b>C. Non-Residential projects over 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	Completed checklist

<b>4. Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations between 5,000 - 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	Completed checklist
<b>C. Non-Residential Additions and Alterations <u>not</u> meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

<b>5. Removal of a Historic Resource and New Construction</b>	
<b>A. New Construction projects resulting in removal of a Historic Resource</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <i>Alternate for Residential Construction</i> <ul style="list-style-type: none"> <li>• LEED Homes</li> </ul> <i>Required for Non-Residential Construction- (any square footage)</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate for Non-Residential Construction (any square footage)</i> <ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	Completed checklist

<b>6. Historic Residential Additions and Alterations</b>	
<b>A. One and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>Completed checklist (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist (Whole House Label)</li> </ul>

<b>7. Historic Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations of Historic Resources between 5,000 - 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential Additions and Alterations of Historic Resources over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	Completed checklist
<b>C. Alternate compliance: Non-Residential Additions and Alterations of Historic Resources not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

**8. Affordable Housing Construction receiving City/Redevelopment Agency Funds**

<b>A. One, Two, and Multi-Family New Construction</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• The minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>B. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Whole House Label)</li> </ul>

**9. Mixed-Use Construction**

<b>A. Both residential and non-residential uses</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i></p>	<p>Completed checklist</p>
<b>B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or Stopwaste.Org checklist)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As Determined by Planning Staff</i></p>	<p>Completed checklist</p>

**10. Construction Requiring a Landscape Plan**

<b>A. Construction projects over 500 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	<p>Completed checklist</p>

**Section 18.02.100 Compliance Standards Table Effective January 1, 2011**

The following green building requirements shall be effective **January 1, 2011 and thereafter**. Note that Section 18.02.100 requires certification by the non-governmental agencies Build it Green, U.S. Green Building Council and/or StopWaste.Org for full compliance (Section 18.02.130). Projects that fail to become certified by these non-governmental agencies will be deemed in violation of this section of the Municipal Code of the City of Oakland and shall be referred to the City's Code Enforcement Division for corrective action (Section 18.02.130(B)). All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One and Two Family Dwellings (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>LEED for Homes</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>
<b>B. Multi-Family Dwellings (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Multi-Family GPR</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR, or</li> <li>LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>
<b>2. Residential Additions and Alterations</b>	
<b>A. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification (Elements Label)</li> <li>Green Building Certification (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification (Whole House Label)</li> <li>Green Building Certification (Whole House Label)</li> </ul>
<b>B. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	When available: <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>

### 3. Non-Residential New Construction

A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>All applicable measures on the Small Commercial Checklist</li> <li>Green Building Certification</li> </ul>
B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <b>Alternate</b> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist (LEED and Small Commercial Checklist)</li> <li>All applicable measures on the Small Commercial Checklist</li> <li>Green Building Certification</li> </ul>
C. Non-Residential projects over 25,000 sq. ft. of total floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <b>Alternate</b> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>LEED Silver point requirement</li> <li>Green Building Certification</li> </ul>

### 4. Non-Residential Additions and Alterations

A. Non-Residential Additions and Alterations between 5,000 - 25,000 sq. ft. of floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>All applicable measures on the Small Commercial Checklist</li> <li>Green Building Certification</li> </ul>
B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <b>Alternates</b> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>LEED Silver point requirement</li> <li>Green Building Certification</li> </ul>
C. Non-Residential Additions and Alterations <u>not</u> meeting the Major Alteration definition and over 25,000 sq. ft. of floor area	
Checklists	Minimum Requirements
<b>Required</b> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <b>Alternate</b> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist (LEED and Small Commercial Checklist)</li> <li>All applicable measures on the Small Commercial Checklist</li> <li>Green Building Certification</li> </ul>

**5. Removal of a Historic Resource and New Construction**

**A. New Construction projects resulting in removal of a Historic Resource**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternate for Residential Construction</i></p> <ul style="list-style-type: none"> <li>• LEED Homes</li> </ul> <p><i>Required for Non-Residential Construction- (any square footage)</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate for Non-Residential Construction (any square footage)</i></p> <ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED Gold for non-residential construction or 75 GPR points for residential construction</li> <li>• Green Building Certification</li> <li>• Deconstruction of the Historic Resource</li> </ul> <p><i>Alternate LEED for Homes</i></p> <ul style="list-style-type: none"> <li>• Same as required above, except certification threshold is LEED Silver</li> </ul>

**6. Historic Residential Additions and Alterations**

**A. One and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>

**B. Multi-Family Additions and Alterations of Historic Resources**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p>Not available</p>	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

<b>7. Historic Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations of Historic Resources between 5,000 - 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential Additions and Alterations of a Historic Resource over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED "Certified" point requirement</li> <li>• Green Building Certification</li> </ul>
<b>C. Alternate compliance: Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>

**8. Affordable Housing Construction receiving City/Redevelopment Agency Funds**

**A. One, Two, and Multi-Family New Construction**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

**B. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>

**C. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p>Not available</p>	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

**9. Mixed-Use Construction**

**A. Both residential and non-residential uses**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i></p>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

**B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or Stopwaste.Org checklist)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As Determined by Planning Staff</i></p>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

<b>10. Construction Requiring a Landscape Plan</b>	
<b>A. Construction projects between 500 - 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	Completed checklist
<b>B. Construction projects greater than 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Bay Friendly Basic Landscape Checklist</li> <li>• Green Building Certification</li> </ul>

**A. National Appliance Energy Conservation Act**

Nothing in this Chapter shall require the Applicant to use “covered products”, as defined in the federal Energy Policy and Conservation Act (42 U.S.C. Section 6201 et seq), that exceed any applicable federal energy conservation standards for such products.

**Article IV- Entitlement Phase**

**Section 18.02.110 Green Building Documentation Requirements**

**B. Green Building Documentation**

Application submittals during the Entitlement Phase shall include:

- a) A completed copy of the applicable Checklist(s) as determined by Planning and Zoning Division staff.
- b) Permit plans shall indicate, in general notes or individual drawings where appropriate, the green building measures used to achieve the minimum requirements. The Green Building Documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.

- c) A signed statement by the Green Building Certifier that the project complies with the minimum requirements upon approval of the Entitlement Phase permit subject.
- d) Any other Green Building Documentation the Green Building Compliance Officer determines, in his/her discretion, to be necessary to determine compliance with this Chapter.

**B. Peer Review of Green Building Documentation.**

The Green Building Compliance Officer reserves the right to retain an independent, green building qualified peer review of the Green Building Documentation at the sole expense of the Applicant.

**C. Completion**

An application shall not be deemed complete until all required Green Building Documentation has been submitted by the Applicant and reviewed and approved by the Green Building Compliance Officer.

**Section 18.02.120 Review and Consideration of Green Building Documentation**

The Applicant is responsible for verifying with the Green Building Compliance Officer that the minimum requirements of this Chapter have been met based on the Green Building Documentation. The Green Building Compliance Officer shall approve or disapprove the Green Building Documentation subject to the conditions of approval based on conformance to this Chapter’s minimum green building requirements, as applicable.

If during the Entitlement Phase, the Green Building Compliance Officer determines that the Green Building Documentation fails to achieve the minimum requirements of this Chapter, the Green Building Compliance Officer shall reject and return the Green Building Documentation to the Applicant. The Applicant may resubmit the Green Building Documentation to the Green Building Compliance Officer with such modifications and additions, as may be required for permit applications submitted during the Entitlement Phase.

**Section 18.02.130 Compliance**

**A. Green Building Certification as a Condition of Approval**

Compliance with the provisions of this Chapter shall be listed as a condition of approval on the Entitlement Phase permit application approvals for construction. Failure to comply with any of the terms of this Chapter shall subject the Applicant to the full range of enforcement mechanisms set forth in Section 18.02.050 and the Oakland Planning Code.

**B. Noncompliance with Post Certificate of Occupancy Condition of Approval**

If the Green Building Compliance Officer determines that the project is not in compliance with the minimum requirements of this Chapter, as verified by the Green Building Certification, the

project shall be referred to the City's Code Enforcement Division for further action. The Green Building Compliance Officer shall also require green building measures to mitigate the project's noncompliance or pursue other remedies available under this Chapter.

## **Section 18.02.0140 Appeal Procedures**

### **A. Unreasonable Hardship Exemption**

- a) If compliance with this Chapter presents an Unreasonable Hardship, the Applicant may apply for an exemption as set forth in this section. No Unreasonable Hardship Exemption under this section will be granted to any applicant for compliance requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code. In applying for an exemption, the burden is on the applicant to demonstrate the Unreasonable Hardship. The City Planning and Zoning Division shall maintain the Unreasonable Hardship Exemption Application.
- b) Acceptance or denial of an Unreasonable Hardship exemption is at the discretion of the Director of City Planning. Unreasonable hardship exemptions will only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not served by compliance or other compelling circumstances.
- c) Notice of application for an exemption shall be given by posting an enlarged notice on the premises of the subject property; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date of the decision on the application by the Director of City Planning.
- d) The determination of the Director of City Planning shall become final ten calendar days after the date of decision unless appealed to the City Planning Commission in accordance with this Chapter and Section 17.134.060 of the Oakland Planning Code. For construction involving Historic Resources, the Director of City Planning may, at his or her discretion, refer the request for an unreasonable hardship exemption to the Landmarks Preservation Advisory Board for advisory decision to the Director of City Planning.
- e) The Director of City Planning or designee shall determine the maximum feasible number of credits reasonably achievable for the project and shall confirm the number of credits on the green building documentation, which shall be marked "Approved with Exemption". The construction shall be subject to the green building approval and compliance process in this Chapter, based on the confirmed number of credits.

## **B. Appeal**

Any aggrieved individual may appeal the Green Building Compliance Officer's determination of the applicable rating system, checklist, or the Director of City Planning's unreasonable hardship determination under this Chapter to the City Planning Commission pursuant to Section 17.132 of the Oakland Planning Code during the Entitlement Phase only.

## **Article V - Construction Phase**

### **Section 18.02.150 Green Building Documentation Requirements**

#### **A. Green Building Documentation**

Construction Phase -Permitting and Inspection submittals shall include:

- a) Construction Phase –Permitting.
  - i. All required documentation for the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code compliance.
  - ii. A completed copy of the applicable Checklist(s) approved during the Entitlement Phase, unless modified under 18.02.150, Section C.
  - iii. Permit plans shall indicate in general notes, detailed design drawings and construction specifications as necessary, the green building measures used to achieve the required minimum requirements. The Green Building Documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.
  - iv. A copy of the signed statement by the Green Building Certifier submitted during the Entitlement Phase and a new signed statement by the Green Building Certifier that the project complies with the minimum requirements of this Chapter.
  - v. Any other Green Building Documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.
- b) Construction Phase - Inspections.
  - i. A completed copy of the applicable Checklist(s) submitted in subsection a) above, unless modified under 18.02.150, Section C.
  - ii. Any other Green Building Documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.
  - iii. Signed statement or statements by the Green Building Certifier during all relevant phases of construction, as determined by the Green Building Compliance Officer, that the project complies with the minimum requirements of this Chapter.

**B. Peer Review of Green Building Documentation**

The Green Building Compliance Officer reserves the right during the Construction Phase, to retain an independent, green building qualified peer review of the Green Building Documentation at the sole expense of the Applicant.

**C. Substitution of Credits**

During the Construction Phases for Permitting and/or Inspections, flexibility may be exercised by the Applicant to substitute or eliminate points approved during the Entitlement Phase as applicable. Substitution and/or omission shall occur only at the request of the applicant. The applicant shall submit, per the Request for Revision Plancheck process, additional Green Building Documentation indicating the points to be substituted or omitted for review and approval. Substitution and/or omission of points shall only be permitted if it does not result in lowering the required minimum point threshold or eliminate points needed in each category pursuant to the appropriate rating system and as verified by the Green Building Certifier. In the case of construction involving Historic Resources, the new substituted points will require re-review and approval by the Historic Preservation Planner.

**Section 18.02.160 Review and Consideration of Green Building of Documentation**

**A. Approval of Documents**

The Green Building Compliance Officer or designees shall be responsible for verifying compliance with the minimum requirements for this Chapter based on the Green Building Documentation submitted during the following construction phases:

- a) Construction Phase - Permitting. The Green Building Documentation, provided under Section 18.02.150, unless modified by the Section 18.02.150(D), shall be reviewed during the permit review process and a permit shall be issued based on conformance to the applicable minimum requirements. Wherever the LEED or GreenPoint Rated systems include a minimum energy or other performance requirement, the Applicant may choose at permit submittal to meet the minimum performance requirements by demonstrating, using the 2008 Title 24 Building Energy Efficiency Standards, that the TDV energy of the Proposed Design is at least 15.0% less than the TDV energy of the Standard Design. In the Percent-Better-Than-Title 24 calculation, process and receptacle energy components may be excluded in nonresidential occupancies; and in high-rise residential occupancies, process, receptacle and lighting energy components may be excluded.
- b) Construction Phase - Inspections. The Green Building Compliance Officer or a designee shall verify that the green building measures and provisions indicated in the Green Building Documentation submitted during the Entitlement and Construction Phase - Permitting are implemented through inspections during the construction of the project. In lieu of or in addition to visual inspections by the Green Building Compliance Officer, the Applicant, through the Green Building Certifier, may submit Green Building

Documentation verifying that green building measures have been implemented in compliance with the minimum requirements of this Chapter.

**B. Non-approval of Documents**

- a) Construction Phase - Permitting. If during the Permitting stages, the Green Building Compliance Officer determines that the Green Building Documentation fails to achieve the minimum requirements, the Green Building Compliance Officer shall reject and return the Green Building Documentation to the Applicant, including a detailed explanation for rejection and measures required to conform to this Chapter. The Applicant may resubmit the Green Building Documentation with such modifications and additions as may be required for Permitting issuance.
- b) Construction Phase - Inspections. If the Green Building Compliance Officer determines that the project under construction does not comply with any portion of the approved Green Building Documentation showing compliance with the minimum requirements, a Stop Work order may be issued. At the discretion of the Green Building Compliance Officer, the Stop Work order may apply to the portion of the project that is not in compliance or to the entire project. The Stop Work order shall remain in effect until the Green Building Compliance Officer determines that the project is in compliance with the requirements and the provisions of this Chapter as shown on the approved Green Building Documentation.

**Section 18.02.170 Compliance**

**A. Final Determination of Compliance and Building Occupancy**

Prior to signing a building permit by the Building Official and issuing of a Temporary Certificate of Occupancy, the Applicant must also submit a signed statement by the Green Building Certifier that the project meets the minimum requirements of this Chapter. The Green Building Compliance Officer may also review the verification documentation submitted by the Green Building Certifier and determine whether the Applicant has achieved the minimum requirements as set forth in this Chapter.

**Section 18.02.180 Appeal Procedures**

**A. General**

In order to hear and decide appeals of orders, decisions or determinations made by the Green Building Compliance Officer during the Construction Phase Permitting and Inspections process, relative to the application and interpretation of the non-administrative sections of this Chapter, the Record Title Holder may request an administrative hearing with a Hearing Officer. The request shall be filed in writing with the Green Building Compliance Officer within twenty-one (21) calendar days following said rendering. The request for an administrative hearing shall contain a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the protested order, decision, or determination should be modified or reversed or otherwise set aside.

## **B. Hearing**

After receiving a written request and the required fee for an administrative hearing, the Green Building Compliance Officer shall fix a date, time and place for adjudication by a Hearing Officer during the Construction Phase Permitting and Inspections process. Only those technical matters or issues specifically raised by the appellant in the request shall be considered in the administrative hearing.

## **C. Hearing Officer**

In cases of a Construction Phase Permitting and Inspections process appeal, the Hearing Officer shall not be an employee of the City and shall be qualified by experience and training to adjudicate matters pertaining to the provisions of this Chapter. The Hearing Officer shall have no authority relative to interpretations of the administrative (non-technical) provisions of this Chapter and shall not be empowered to waive or otherwise set aside the non-administrative (technical) provisions of this Chapter.

## **D. Effect of Hearing**

Decisions of either the City Planning Commission or the Hearing Officer in all instances shall be final and conclusive. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of decisions by either the City Planning Commission or the Hearing Officer.

## **SECTION 5. Severability**

The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is held to be invalid or preempted by state or federal law, such holding shall not impair or invalidate the remainder of this Ordinance. If any provision of this Ordinance is held to be inapplicable, the provisions of this Ordinance shall nonetheless continue to apply with respect to all other covered development projects and applicants. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from its coverage.

## **SECTION 6. California Environmental Quality Act**

Prior to adopting this Ordinance, the City Council independently finds and determines that this action is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15060(C)(2), 15061(B)(3) (General Rule; Section 150307 (Actions by Regulatory Agencies for Protection of Natural Resources); Section 150308 (Actions by Regulatory Agencies for Protection of the Environment); and Section 15183 (Projects

Consistent with a Community Plan, General Plan, or Zoning), each of which provides a separate and independent basis for an exemption.

**SECTION 7. Annual Review**

The Community and Economic Development Agency shall review this Chapter biannually and provide a report to the Planning Commission to determine whether it needs to be updated because of, but not limited to, new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.Org, Build It Green, and LEED or the development of another effective rating system. The Chapter shall also be reviewed with the adoption of each future Title 24 standards which may require additional approval from the California Energy Commission.

**SECTION 8. Effective Date**

This Ordinance shall be effective on and after its adoption by sufficient affirmative votes of the Council of the City of Oakland, as provided in the Charter of the City of Oakland, Section 216. This Ordinance shall be implemented in phases. The first phase criteria applies to 30 days from the date of final passage by the City Council until December 31, 2010. The Ordinance becomes fully effective January 1, 2011 and thereafter, as amended from time to time. The Ordinance shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

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

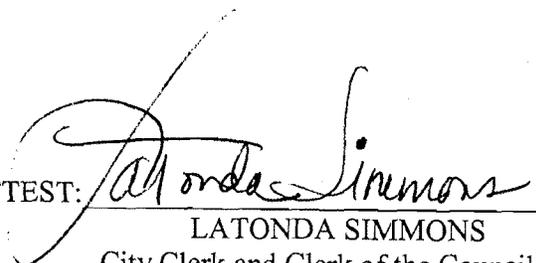
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~,  
AND PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - Reid - 1

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

Introduction Date OCT 6 2010

DATE OF ATTESTATION 11/10/10

## Exhibit A-1

- a. The City of Oakland is located in Climate Zone 3 which is characterized by periods of extremely hot, dry weather during the summer and fall months. During these months, emissions generated within or transported to the Bay Area can combine with abundant sunshine to create conditions conducive to the formation of pollutants, such as ozone and secondary particulates, such as nitrates and sulfates. In addition, during the winter, the City of Oakland frequently experiences cold days with temperature inversions that trap certain air pollutants near the ground and exacerbate conditions leading to respiratory disease and other health risks. These local features contribute to the Bay Area's status as a "nonattainment area" under the federal Clean Air Act for ozone and particulate matter.

The City of Oakland is located on the east side of San Francisco Bay. About two-thirds of Oakland is within a flat alluvial plain while the other third is located in the foothills of the East Bay Hill range. It is also a major port City and the regional transportation hub for the East Bay.

Most Oakland residents have experienced the effects of poor air quality at one time or another. While the meteorology is generally favorable due to marine air traveling through the Golden Gate, the Oakland area is often considered a source for regional pollutants that contribute to elevated concentration in downward communities. This is especially the case in mobile or transportation sources. Resident populations in West and East Oakland have been the subject of many recent public health studies related to industry, multiple freeways, diesel trucks and port operations. Most of these studies have concluded that there is a serious health risk due to poor air quality including respiratory problems such as asthma, heart ailments, suppressed resistance to disease, infant mortality and finally reduced life span. Therefore, Oakland's geographic location and infrastructure makes it especially vulnerable to the climatic affects.

- b. In June 2006, ICLEI – Local Governments for Sustainability in partnership with the Alameda County Waste Management Authority & Recycling Board (StopWaste.Org) and the Alameda County Conference of Mayors launched the Alameda County Protection Project. The City of Oakland committed to the project and embarked on an ongoing, coordinated effort to reduce the emissions that cause global warming, improve air quality, reduce waste, cut energy use and save money. On July 6, 2009, the Oakland City Council set a preliminary target to reduce community-wide greenhouse gas emissions by 36% below 2005 levels by 2020, and recommended a path to reduce GHG emissions by 83% below 2005 levels by 2050, to be analyzed as part of the preparation of a City-wide Energy and Climate Action Plan. While climate change is a global problem influenced by an array of interrelated factors, climate change is also a local problem with serious impacts foreseen for California, the Bay Area and City of Oakland. Local impacts include:
  - i. **Sea level rise:** According to the Union of Concerned Scientists, the sea level in the State of California is expected to rise up to 12 inches of the next hundred years. The California Energy Commission's Public Interest Energy

Research (PIER) Climate Change Program predicts that a medium to high greenhouse gas emissions scenario is expected to result in sea level rises in San Francisco Bay of 16 inches by 2050 and 55 inches by 2100 if no actions are taken to protect the coast<sup>1</sup>. The Pew Center on Climate Change has reported that this would result in the erosion of beaches, bay shores and river deltas, marshes and wetlands and increased salinity of estuaries, marshes, rivers and aquifers. In addition, sea level rise will damage coastal roads and other infrastructure (port, bridges, and roads), and low-lying property.

Modeling by the San Francisco Bay Conservation and Development Commission (SFBCDC) show that under medium to medium-high greenhouse gas emissions scenarios, sections of Interstate 880, much of the Oakland International Airport (72-93%), portions of West Oakland, EBMUD's water treatment plant, areas around Lake Merritt, much of Oakland's shoreline, and areas near the coliseum would be underwater. The modeling also shows a drastic impact to the movement of goods from the Port of Oakland, the third largest port in California. Further modeling by Researcher Matt Heberger of The Pacific Institute estimates that with a 55-inch sea level rise, the area in Oakland flooded by the unimpeded 100-year tide would be 8.6 square miles – over 15% of Oakland's land area.<sup>2</sup>

- ii. **Impacts on water:** Water quality and quantity in Oakland are at risk as a result of changing temperatures. With warmer average temperatures, more winter precipitation will fall in the form of rain instead of snow, shortening the winter snowfall season in the Sierra's and accelerating the rate at which the snowpack melts in the spring. Not only does such snow melt increase the threat for spring flooding, it will decrease the Sierras' capacity as a natural water tower, resulting in decreased water availability for agricultural irrigation, hydro-electric generation and the general needs of a growing population.

The Sierra snow-pack is the origin of the Mokelumne River, the primary source of water for the jurisdictions within Alameda County including the City of Oakland. The East Bay Municipal Utility District (EBMUD) provides water and sewage treatment for Alameda County customers. In 2008, EBMUD staff conducted a study on climate change impacts on water quality and water supply for the EBMUD service area, with many of its findings relevant to the City of Oakland. That study found the Sacramento/San Joaquin River Delta and its aging levee system exceptionally susceptible to storm damage. Although EBMUD does not divert its water supply from the delta, failure of the delta's levees could result in catastrophic damage to EBMUD's nearby water supply aqueducts, interrupting water deliveries to EBMUD's service area, including Oakland.<sup>3</sup>

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<sup>1</sup> Heberger *et. al.* Pacific Institute, 2009. "The Impacts of Sea-Level Rise on the California Coast." Pp. xi.

<sup>2</sup> Heberger, Matt. 2009. <[http://www.pacinst.org/reports/sea\\_level\\_rise/files/Ca\\_coast\\_yr2100\\_flood.html](http://www.pacinst.org/reports/sea_level_rise/files/Ca_coast_yr2100_flood.html)>

<sup>3</sup> Wallis *et. al.*, EBMUD, 2008. Pp. 74.

Rising water temperatures may affect water quality by promoting algae growth in Lake Merritt, the Estuary, and Oakland's many above ground creeks and marshes, resulting in increased algal by-products such as taste-and-odor compounds<sup>4</sup> and hypoxia.<sup>5</sup>

- iii. **Natural disasters:** Climate models predict a 4°F temperature increase in the next 20 to 40 years, with an increase in the number of long dry spells, as well as a 20-30% increase in precipitation in the spring and fall. More frequent and heavier precipitation causes flooding, mudslides and landslides, incurring considerable costs in damages to property, infrastructure and even human life.

As mentioned above, a large portion of Oakland is located in the foothills of the East Bay Hills range and many properties are located on extremely steep slopes. During winters with an extreme storm event or a series of storm events with heavy rainfall, Oakland typically experiences landslides in these areas due to saturated ground-water conditions. Approximately 43 landslides occurred in a single El Niño (extreme wet weather) season.<sup>6</sup>

An increasing number of wildfires, due to continued dry periods and high temperatures, are another expected impact of continued climate change. As indicated in Oakland's Safety Element, wildfires are the most severe fire hazard in Oakland, especially in the hills above the Warren Freeway. Because the Oakland Hills are a fire-dependent ecosystem, there is a severe wildfire every 10 to 20 years when the area's natural vegetation is dry and extremely flammable. Urbanization of Oakland's fire hazard areas has increased the potential for more frequent and severe wildfires with an additional likelihood of severe damage and loss of life. The 1991 fire is notorious for being the most destructive wildfire in California history.

- iv. **Public health impact:** Warming temperatures and increased precipitation can also encourage mosquito-breeding, thus engendering diseases that come with mosquitoes, such as the West Nile Virus, a disease of growing concern in Oakland and the surrounding region.

Heat waves are also expected to have a major impact on public health and be a determinant factor of mortality. Increased temperatures also pose a risk to human health when coupled with high concentrations of ground-level ozone and other air pollutants, potentially leading to increased rates of asthma and other pulmonary diseases. The incidence of bad air days in California's urban areas has increased, mostly in hot summer days. In the summer of 2006, the

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<sup>4</sup> Wallis *et. al.*, EBMUD, 2008. Pp. 75.

<sup>5</sup> SFBCDC, 2009. Pp. 78.

<sup>6</sup> Coe, Jeffrey, Jonathan W. Godt, Dianne Brien, and Nicolas Houdre, 1999. "Map Showing Locations of Damaging Landslides in Alameda County, California, resulting from 1997-98 El Niño Rainstorm."

Bay Area Air Quality Management District (BAAQMD) registered 11 Spare the Air days for the region and exceeded the California 1-hour standard for ozone (set at 90 ppb) 18 times. As noted above, parts of Oakland are already impacted by poor air quality due to the adjacent port, major highway system, and industry within the city borders.

**Impacts on plants and vegetation:** Native plants and animals are at risk as temperatures rise and scientists are reporting more species moving to higher elevations or more northerly latitudes in response to climate change. This could affect the 31 plant and 20 animal species that are either in danger of extinction or present in very limited numbers and make Oakland their home. On the list of special status animals, there are two mammals, one reptile, fifteen birds, one fish, and one insect. Of these, 14 are federal special status and 19 are state special status creatures. Six threatened plant species in Oakland are state status and 14 plant species are federal status threatened, endangered, or rare plants.

The absence of these native species would allow invasive species of weeds and insects to gain a foothold in these areas and to threaten other native species and their habitat. This change would be particularly devastating to Oakland as wildlife actually composes nearly 20% of Oakland's total land area. Furthermore, these special species and their habitats as they are already struggling to survive in an infill, urban area.

- c. The City of Oakland's local climatic, topographic, and geological conditions exacerbate the impacts of global climate change in several ways to make the adoption of green building requirements reasonably necessary:
  - i. Increasing summer temperatures increase the need for air conditioning, thereby increasing average load demand and peak load demand for energy within the City of Oakland. This heightened demand increases the risk of power outages and power shortages, with associated adverse public safety and economic impacts. Increased energy demand and usage also increases local and regional air pollution impacts. Decreasing energy consumption through energy efficiency and other green building techniques reduces each of these impacts.
  - ii. Increasing summer and year-round temperatures also adversely affect the City of Oakland's water supply, which is already subject to periodic drought conditions and potential water cutback. Decreasing water usage through conservation, sustainable landscaping (such as Bay-Friendly Landscaping), use of drought-tolerant and native plants, and other green building techniques reduces these adverse impacts.
- d. The City of Oakland finds that the design, construction, and maintenance of buildings and landscapes within the City of Oakland can have a significant impact on the City of Oakland's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the

City of Oakland. In 2005, Oakland enacted Chapter 15 of the Oakland Municipal Code, which requires all new City construction and major renovation projects to achieve a LEED Silver certification. In 2006, Oakland adopted as the Alameda County Residential Green Building Guidelines, the U.S. Green Building Council's LEED Rating Systems and the Bay-Friendly Landscape Guidelines as official City reference documents.

- e. Green buildings play a significant role in reducing the amount of waste sent to landfills. Construction and demolition debris comprise up to 30% of all materials disposed of in California's landfills and over 21% of materials disposed of in Alameda County. Many of these materials have greenhouse gas implications once landfilled. The breakdown of organic materials in landfills produces methane and other greenhouse gases, as does the process of making new building materials from raw materials.
- f. This green building ordinance furthers the City of Oakland's efforts to enhance the community's social, economic, and environmental well-being and to mitigate the effects of global warming on the City of Oakland's weather, water supply, physical infrastructure, ecological diversity, human health and economy.

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION:** California Energy Commission approval of the City of Oakland's locally adopted energy standards for residential and nonresidential newly constructed buildings and additions and alterations to existing buildings to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*.

**WHEREAS,** the City of Oakland has submitted an application to the Energy Commission for approval of a local ordinance with energy efficiency requirements meeting or exceeding those required by the *2008 Building Energy Efficiency Standards*; and

**WHEREAS,** Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106 establish a process for local governments to apply to the Energy Commission for approval to adopt new versions of Building Energy Efficiency Standards that require additional energy efficiency measures or set more stringent energy budgets; and

**WHEREAS,** the City of Oakland submitted an application to the Energy Commission that meets all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2) and Section 10-106; and

**WHEREAS,** the City of Oakland has made a written commitment to actively enforce compliance both with the locally adopted energy standards and the *2008 California Building Energy Efficiency Standards*; and

**WHEREAS,** the Energy Commission commends the City of Oakland for seeking to achieve additional demand reductions, energy savings and other benefits exceeding those of the *2008 California Building Energy Efficiency Standards*;

**THEREFORE BE IT RESOLVED,** that on September 22, 2010 the Energy Commission approves the City of Oakland's locally adopted energy standards, and that these local standards may be enforced by the City of Oakland.

Dated: September 22, 2010      STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

  
KAREN DOUGLAS  
Chairman