

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



July 30, 2015

Rose Thomsen  
Deputy City Clerk  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

RE: Ordinance #7430-N.S.

Dear Ms. Thomsen:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on July 28, 2015.

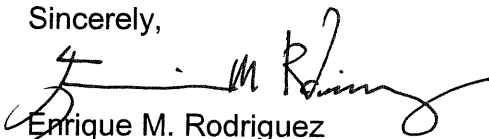
Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code Sections 17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the California Building Standards Commission (CBSC). CBSC is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with CBSC in order to remain in effect when the next triennial edition of the code is published.

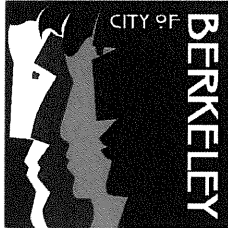
On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code Section 13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than CBSC. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: CBSC Chron  
Local Filings



City Clerk Department

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CALIFORNIA BUILDING  
STANDARDS COMMISSION

July 23, 2015

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

RE: City of Berkeley, Adoption of Building Code Ordinance

To Whom It May Concern:

Enclosed, please find certified copies of Ordinance No. 7,430-N.S. amending the Berkeley Building Code, and corresponding Resolution No. 67,170-N.S. adopting additional Local Conditions and Findings, both adopted by the City Council on July 14, 2015.

If you have any questions or concerns, please contact the City Clerk Department at (510) 981-6908.

Sincerely,

Rose Thomsen  
Deputy City Clerk

Enclosures:

1. Ordinance No. 7,430-N.S. – Amending the Berkeley Building Code
2. Resolution No. 67,170-N.S. – Berkeley Building Code Additional Local Conditions and Findings

cc: Alex Roshal, Building and Safety Manager

ORDINANCE NO. 7,430–N.S.

URGENCY ORDINANCE ADDING SECTION 19.28.090 TO THE BERKELEY MUNICIPAL CODE CHAPTER 19.28 (BERKELEY BUILDING CODE) REGARDING THE CONSTRUCTION OF WEATHER-EXPOSED BUILDING ELEMENTS EXTENDING BEYOND EXTERIOR WALLS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings.

The City Council finds that:

- A. There is a need for additional modifications to impose more stringent requirements locally than are mandated in the adopted 2013 California Building Code.
- B. The marine weather environment in Berkeley, characterized by high humidity and low overall prevailing temperatures, results in a high overall moisture content in building construction materials and slow drying of building materials and assemblies once wet or humidified.
- C. Dry rot and other moisture related damage resulting from the effect of the City's climate and topography on exterior building construction features and materials pose risks to life and property.
- D. Currently, there is no law that balconies and other exterior projections exposed to weather be periodically inspected to determine if they have been structurally compromised and are in need of repairs.
- E. Since the City is experiencing a high volume of permit submittals for new buildings, which include balconies and similar exterior appurtenances, and there are a large number of balconies and similar appurtenances on existing buildings, it is imperative that the code amendments be adopted and become effective as soon as possible for the increased preservation of public health and safety.

Section 2. That Article 8 of the Berkeley Building Code is added to read as follows:

**Article 8. Construction of Exterior Appurtenances**

**19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances**

**Chapter 12** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 1203.6 Ventilation of weather exposed enclosed assemblies.** Balconies, landings, decks, stairs and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150<sup>th</sup> of the area of the space ventilated. Ventilation openings shall comply with Section 1203.2.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

**Exceptions:**

1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

**Chapter 14** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 1404.13 Projections exposed to weather.** Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g., galvanized) steel, or similar approved materials.

**Chapter 23** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 2304.11.3 Laminated timbers.** The portions of glued-laminated timbers that form the structural supports of a building, other structure, projecting element or appurtenance and are exposed to weather and ~~not fully protected from moisture by a roof, eave or similar covering~~ shall be pressure treated with preservative or be manufactured from naturally durable or preservative-treated wood.

**Section 2304.11.4.2 Wood structural members.** Wood structural members that support moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative-treated wood ~~unless and shall be separated~~ from such floors or roofs by an impervious moisture barrier.

**Section 2304.11.5 Supporting members for permanent appurtenances.** Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances where such members are exposed to the weather ~~without adequate protection from a roof, eave, overhang or other covering to prevent moisture or water accumulation on the surface or at joints between members.~~

**Section 3.** Vote Required, Immediately Effective

Based on the findings and evidence in Section 1 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley and Government Code section 65858.

At a regular meeting of the Council of the City of Berkeley held on July 14, 2015, this Urgency Ordinance was adopted by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington, and Bates.

Noes: None.

Absent: None.

ATTEST:

Rose Thomsen  
Rose Thomsen, Deputy City Clerk

Tom Bates  
Tom Bates, Mayor

In effect: Immediately

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CALIFORNIA BUILDING  
STANDARDS COMMISSION

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS IS A TRUE AND  
CORRECT COPY OF AN OFFICIAL DOCUMENT OF  
THE CITY OF BERKELEY, COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA.

Rose Thomsen  
DEPUTY CITY CLERK OF THE CITY OF BERKELEY

RESOLUTION NO. 67,170-N.S.

ADOPTING ADDITIONAL FINDINGS OF LOCAL CONDITIONS THAT REQUIRE MORE STRINGENT REGULATIONS THAN THOSE PROVIDED BY THE 2013 CALIFORNIA BUILDING CODE

BE IT RESOLVED by the City Council of the City of Berkeley as follows:

WHEREAS, the City is proposing to adopt various enumerated emergency changes and modifications to the California Building Code, as set forth below; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Building Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17958, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of "local climatic, geological, or topographical conditions"; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it finds that each of the various proposed emergency changes or modifications to the California Building Code which are listed enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

**A. LOCAL CONDITIONS**

**1. Climatic Conditions.**

The City of Berkeley (City) is located at the geographic center of the Bay Area, immediately east of the Golden Gate (the geographic feature which is the natural entrance to the San Francisco Bay [Bay]). The western limits of the City are defined by Bay waters at sea level and its eastern limits by the Berkeley Hills, part of the Pacific Coast Range, rising abruptly to an elevation of 1,200 feet.

Local surface winds transport moisture laden air from the surface of the Bay waters into the City. Larger scale prevailing weather patterns and winds created by the jet stream from the west also transport highly humid air and storms across the Pacific Ocean through the strait between the San Francisco peninsula and the Marin Headlands straddled by Golden Gate bridge and into the City. The moderating effect of the Bay waters on local temperatures tends to reduce local temperature extremes, even during periods of high inland temperatures. The combination of moist air from adjacent waters and the associated mild temperatures means that it is common for local weather conditions to hover near the dew point. This can result in the formation of fog associated

with local and regional marine weather layers, which commonly cover the City for hours or even days at a time with an average morning relative humidity of 82 percent.

Much of Northern California is considered to possess a predominantly Mediterranean climate. At times Berkeley does experience periods of high temperature and/or low humidity particularly between mid-July and mid-October, when the danger of hillside fires is greatest. Throughout the rest of the year, the marine weather environment is characterized by higher humidity and lower overall prevailing temperatures, resulting in a higher overall moisture content in building construction materials and slower drying of building materials and assemblies once wet or humidified.

## 2. Topographical Conditions.

Part of the Pacific Coast Range, the Berkeley Hills, define the eastern boundary of the City and form a natural obstruction to the movement of humidified, cooler air out of the San Francisco Bay basin and the City of Berkeley into the dryer adjacent inland valleys and the interior of the State. Although these hills do not form an absolute air barrier, they do play a significant role in the creation of local microclimates. This effect is evidenced by the disparity in temperatures and relative humidities commonly experienced during periods of warm weather between communities adjacent to the San Francisco Bay / Pacific Ocean and communities in the Bay Area inland valleys only a few miles inland.

## **B. REASONABLE NECESSITY**

The proposed emergency changes and modifications to the California Building Code imposing more stringent requirements for construction of weather exposed building elements extending beyond exterior walls (Chapter 19.28 Berkeley Building Code Article 8) are reasonably necessary due to the local conditions set forth above because they reduce the risks to life and property from dry rot or other moisture related damage which may result from the influence of the City's climate and topography on the exterior building construction features and materials.

BE IT FURTHER RESOLVED that Resolution No. 66,367-N.S. is hereby amended.

The foregoing Resolution was adopted by the Berkeley City Council on July 14, 2015 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

Attest: Rose Thomsen  
Rose Thomsen, Deputy City Clerk

Tom Bates  
Tom Bates, Mayor

Resolution No. 67,170-N.S.

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CALIFORNIA BUILDING STANDARDS COMMISSION

<p style="text-align: center;"><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN OFFICIAL DOCUMENT OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA. Page 2 of 2</p> <p style="text-align: center;"><u>Rose Thomsen</u> DEPUTY CITY CLERK OF THE CITY OF BERKELEY</p>
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