

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

2020 W. El Camino Avenue, Suite 250
Sacramento, CA 95833
(916) 263-2963 / FAX (916) 263-5348
www.hcd.ca.gov



November 23, 2015

Ms. Rose Thomsen, Deputy City Clerk
City of Berkeley, City Clerk Department
2180 Milivya Street
Berkeley, CA 95833

Re: Request for Higher Building Standards for Weather-Exposed Wood Structures

Dear Ms. Thomsen:

I am writing to advise you, as Deputy Clerk for the City of Berkeley (the "City"), that the California Department of Housing and Community Development (the "Department") received, on October 8, 2015, the City's letter dated July 16, 2015. In that letter, the City requested the California Building Standards Commission (the "CBSC") to make more restrictive California Building Code protections against degradation of wood structures caused by weather exposure and other moisture causing environmental elements; these wood structures include but are not limited to balconies, decks, stairs, or similar elements projecting from a structure that does not have any additional supports.

The Department understands that the origin of the City's request to make changes to the California Building Code is the result of a tragic event that occurred in the City in June 2015 which resulted in the loss of six lives and caused great injury to several others when a balcony collapsed at a local apartment building.

In this context, I must clarify that proposals requesting amendments to the building standards be forwarded to the Department, not the CBSC. The Department is authorized by statute to promulgate residential building standards and other regulations applicable on a statewide basis that are enforced by local governments. The Department is only now aware of the City's request and desire to effectuate building code changes to protect against any future tragedies. The Department is committed to identifying the problem(s) that caused or contributed to the loss of lives in order to prevent this type of tragedy in the future.

CBSC Meeting

The Department's Division of Codes and Standards Assistant Deputy Director, Mr. Shawn Huff, attended the CBSC meeting on October 21, 2015 where the City's July 16, 2015 letter and request was discussed as an agenda item. Mr. Huff testified before the CBSC that the Department would take steps to investigate the issues surrounding the degradation of wood

structures and how to protect against such degradation, including convening a stakeholder meeting(s) in the beginning of the new year to do the following:

- Investigate findings directly related to the tragic event that occurred in the City;
- Explore the concepts advocated by the City and the Structural Engineers Association of California (SEAOC); and
- Solicit input from industry and regulatory professionals prior to proposing any building standards with statewide application.

At the meeting, Mr. Huff commended the City for its swift action in adopting a local ordinance to address weather-exposed elements which project from structures without additional support and suggested other local jurisdictions may wish to consider doing the same in the interim while any potential code changes are considered.

Several CBSC commissioners also expressed at the meeting the desire to consider and possibly participate in the formation of a Task Force or Ad Hoc Committee, to explore options to improve California Building Standards for other than residential structures, under the CBSC's authority, in an effort to prevent future tragedies similar to balcony collapse.

Mr. Huff acknowledged that as a result of the combined efforts of the CBSC and the Department, amendments to the California Building Code or Title 25 Regulations to address decay resistance, inspection and maintenance requirements for enclosed elevated assemblies such as decks, balconies and stairs may be proposed. Mr. Huff also suggested that similar climatic conditions exist in many jurisdictions across the United States and perhaps this issue should be examined nationally.

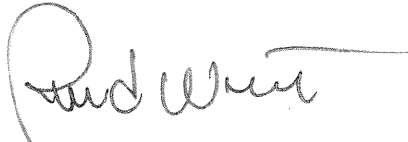
Collaboration of Efforts

In order for the Department to be successful in its commitment and satisfy the City's request to amend or introduce new California building standards to prevent such tragedies, the Department recognizes that the City's cooperation is vital and necessary to any future change(s). Hence, the Department invites the City to work collaboratively with the Department as a partner. To that end, the Department requests that the City share all relevant information obtained during its investigation of this matter in the form of forensic investigation reports, testimony of city inspectors, engineers, and consultants that were relied upon by the City to form the conclusion that weather degradation of the wood structures caused or contributed to the tragic events; and how the more restrictive building standards for weather-exposed balconies, decks and stairs will reduce the chance of this type of tragedy occurring in the future.

In closing, the Department expresses its condolences to the community, families and friends affected by the tragic events of June 16, 2015. The Department understands the significance of the proposed code amendments and is committed to working with the CBSC, the City and other interested parties or stakeholders, to mitigate the negative effects of weather degradation of wood structures to prevent tragedies like the one that impacted the Berkeley community. It will only be with your cooperation that the Department may be able to determine the most appropriate course of action for a change in the building standards to prevent this type of tragedy from occurring in the future.

Thank you for your time and attention in this matter. If you have further questions, please contact Shawn Huff at (916) 263-3124 or Shawn.Huff@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Weinert", with a long horizontal flourish extending to the right.

Richard Weinert
Deputy Director

cc: Michael Nearman, Acting Executive Director, CBSC
Marybel Batjer, Chair, CBSC
Tom Bates, City of Berkeley Mayor
Building Official, City of Berkeley