

2005 MAY 12 PM 7:12

CITY OF OAKLAND
Agenda Report

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: May 24, 2005

RE: **AN ORDINANCE AND RESOLUTION ADOPTING LOCAL AMENDMENTS TO THE 2004 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3 (CALIFORNIA ELECTRICAL CODE), AND AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.04**

SUMMARY

An ordinance and a resolution have been prepared re-adopting existing local amendments to the new 2004 edition of the California Electrical Code and amending chapter 15.04 (Oakland Building Code) of the Oakland Municipal Code.

The California Health and Safety Code allows jurisdictions to adopt local amendments to the new edition of the state model electrical construction code before the August 1, 2005, statewide effective date. Amendments may be administrative (such as substituting the Master Fee Schedule for a code fee table) and non-administrative (such as referencing National Fire Code regulations). Non-administrative amendments must be no less restrictive than prescriptive code regulations and be supported by a resolution of findings based on local climatic, geologic, or topographic conditions. The amending ordinance and resolution of findings must be filed with the State Building Standards Commission before the August 1 deadline.

The proposed ordinance would preserve the City's existing Oakland Building Code amendments for the Electrical Code, including special construction standards in the Fire Hazard Zone and North Oakland Hills Specific Plan Area.

FISCAL IMPACT

There is no fiscal impact. This is an administrative action mandated by State law. Resources from existing budgeted staff will continue to enforce the electrical construction regulations.

BACKGROUND

The California model construction codes establish minimum standards and uniform administrative guidelines for building construction throughout the state. The state model codes are comprised of the most current triennial editions of the national model codes (Uniform Building, Plumbing, and Mechanical Codes and National Electrical Code) as amended by the State Building Standards Commission (energy conservation, disabled accessibility, elevator safety, etc.). If a jurisdiction proposes adding equivalent or more restrictive alternative regulations, the local amendments must be supported by findings adopted by a resolution of the elected body before a new State model construction code is enacted. The Oakland amendments to the 2004 edition of the California Electrical Code provide supplemental administrative and technical regulations pertinent to the City's building inventory, topography, geology, infrastructure needs, and life/safety requirements.

Previously adopted non-administrative amendments to the California model electrical code that would be continued in this amending ordinance include the following:

- establishing alternative technical standards for Conversion Residence occupancies (renovating existing commercial buildings to residential), and
- consolidating technical appeals of building, electrical, plumbing, and mechanical regulations under one hearing examiner, and
- requiring National Fire Prevention Association standards for fire pumps.

No new local amendments are proposed for the 2004 edition of the California Electrical Code.

Major changes in the 2004 edition of the California Electrical Code include the following:

- “arc fault” protection (similar to GFI) for receptacles will be required in bedrooms, and
- electrical room exit doors in commercial and industrial buildings will be required to swing “out” and have panic bar hardware.

Other Oakland Municipal Code regulations such as the Planning Code, Fire Code, the Administrative Penalty Ordinance, and the Blight Ordinance would not be affected by the adoption of this amending ordinance, which would become effective on August 1, 2005. Building Services will do an educational outreach to contractors, developers, and architects advising them of the approaching effective date, as well as a summary of the pending code changes.

SUSTAINABLE OPPORTUNITIES

Economic

Oakland amendments to the California model codes support housing and commercial development opportunities for new and remodeled building construction.

Environmental

Oakland amendments to the California model codes include development permitting requirements for compliance with City and regional “Best Management Practices” for reducing storm water runoff pollutants, construction debris disposal, nuisance noise, and fugitive dust.

Social Equity

Oakland amendments to the California model codes support affordable housing opportunities and economic revitalization policies of the City.

DISABILITY AND SENIOR CITIZEN ACCESS

The California model codes include the technical standards for state handicapped accessibility requirements in new and remodeled building construction.

RECOMMENDATIONS

State law requires local jurisdictions to re-adopt local amendments to a State model construction code within six months of the publication of a new triennial edition. Should the City fail to do so before

August 1, 2005, Oakland would not be able to enforce its existing amendments of the new edition of the California Electrical Code. Staff recommends that the Committee accept this report and forward it to the City Council for adoption of the proposed amending ordinance and resolution of findings.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed amending ordinance and resolution of findings.

Respectfully submitted,



CLAUDIA CAPPIO
Development Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Interim Building Official
Building Services Division

APPROVED FOR FORWARDING TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

Attachments: Ordinance and Resolution

NOTICE AND DIGEST

AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3 (CALIFORNIA ELECTRICAL CODE), AND AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.04

The California model construction codes establish minimum standards and uniform administrative guidelines for building construction throughout the state. This ordinance will re-adopt existing Oakland amendments to the new 2004 triennial edition of the California Electrical Code that provide supplemental administrative and technical regulations pertinent to the City's building inventory, topography, geology, infrastructure needs, and life/safety requirements.

Introduced by

Approved as to Form and Legality

Councilmember

Fatimah Faiz

City Attorney

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3 (CALIFORNIA ELECTRICAL CODE), 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 Building Standards Code, 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; 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 therefor 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 Building Standards Code 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 Building Standards 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 Building Code Standards Code, California Code of Regulations (CCR), Title 24, Part 3 (California Electrical Code) 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 Building Standards Code, with local amendments thereof, as recited herein shall be the governing codes for the City of Oakland; and

Whereas, the California Electrical Code, 2004 Edition, California Code of Regulations (CCR), Title 24, Part 3, California Building Standards Code as recited herein is the most current in publication.

Now, therefore, the Council of the City of Oakland does ordain as follows:

SECTION 1. Municipal Code Repeals

The following Articles, Parts, and Sections of the Oakland Municipal Code, Chapter 15.04, as previously adopted by Ordinance 11,845 CMS, are hereby repealed:

Article I,	Sections 15.04.010 through 15.04.090 inclusive
Article II, Part 3,	Sections 15.04.290 through 15.04.355 inclusive
Article III, Part 3,	Sections 15.04.845 through 15.04.850 inclusive

SECTION 2. Municipal Code Re-Adoptions

The following Articles, Parts, and Sections of the Oakland Municipal Code, Chapter 15.04, as repealed herein above, are hereby re-adopted in total without amendments:

Article I,	Sections 15.04.010 through 15.04.090 inclusive
Article II, Part 3,	Sections 15.04.290 through 15.04.355 inclusive
Article III, Part 3,	Sections 15.04.845 through 15.04.850 inclusive

SECTION 3. Municipal Code Amendments

A. Section 15.04.005 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.005 Title

This chapter of the Oakland Municipal Code shall be known as the “Oakland Amendments of the 2001 edition of the California Building Standards Code, Part 2 (California Building Code), Part 4 (California Mechanical Code), and Part 5 (California Plumbing Code), and the 2004 edition of the California Building Standards Code, Part 3 (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”.

B. Section 15.04.855 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.855 CEC Article 210.8 amended

In CEC Article 210.8(a)(7), delete the words “wet bar”.

C. Section 15.04.860 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.860 CEC Article 210.11 amended

In CEC Article 210.11(c)(1), add the following:

Art. 210.11(c)(1) Appliances 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.

D. Section 15.04.865 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.865 CEC Article 210.12 amended

In CEC Article 210.12(B), add the following:

Art. 210.12(B) Existing bedroom circuits shall have arc-fault protection as follows:

- (1) in an upgraded service panel of subpanel
- (2) where altered or extended.

E. Section 15.04.870 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.870 CEC Article 230.26 amended

In CEC Article 230.26, add the following:

Art. 230.26 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.

F. Section 15.04.875 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.875 CEC Article 230.28 amended

In CEC Article 230.28, add the following:

Art. 230.28 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.

G. Section 15.04.880 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.880 CEC Article 230.43 amended

CEC Article 230.43 is amended to read as follows:

Art. 230.43 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. Refer to Section 145.04.700 of this chapter.

H. Section 15.04.885 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.885 CEC Article 230.44 deleted

CEC Article 230.44 is deleted in its entirety.

I. Section 15.04.890 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.890 CEC Article 300.11 amended

In CEC Article 300.11, add the following:

Art. 300.11(a) 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.

J. Section 15.04.895 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.895 CEC Article 334.15 amended

In CEC Article 334.15(B), add the following:

Art. 334.15(B) 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.

K. Section 15.04.900 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.900 CEC Article 334.23 amended

CEC Article 334.23 is amended to read as follows:

Art. 334.23 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.

L. Section 15.04.905 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.905 CEC Article 358.12 amended

In CEC Article 358.12, add the following:

Art. 358.12(7) In concrete in direct contact with the earth.

M. Section 15.04.910 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.910 CEC Article 410.16 amended

In CEC Article 410.16(c), add the following:

Art. 410.16(c) 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 (CBC) Section 2504 and the Uniform Building Code Standard 25-2, Section 25.213.

N. Section 15.04.915 of the Oakland Municipal Code is hereby amended to read as follows:

Section 15.04.915 CEC Article 600.1 amended

In CEC Article 600.1, add the following:

Art. 600.1 The provisions herein shall further include the requirements of the Oakland Sign Code.

O. Section 15.04.920 of the Oakland Municipal Code is hereby newly added to read as follows:

Section 15.04.920 CEC Article 695.1 amended

In CEC Article 695.1, add the following:

Art. 695.1 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.

P. Section 15.04.925 of the Oakland Municipal Code is hereby newly added to read as follows:

Section 15.04.925 CEC Article 760.1 amended

In CEC Article 760.1, add the following:

Art. 760.1 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.

SECTION 4. Construction and Severability

Where any section, subsection, sentence, clause, phrase or other part of the California Building Standards 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 thereof irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, phrases or other parts be declared unconstitutional.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

Introduced by

Approved as to Form and Legality

Councilmember

F. Faiz

City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION OF FINDINGS MADE AND SUPPORTING LOCAL AMENDMENTS TO THE 2004 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3 (CALIFORNIA ELECTRICAL CODE)

Whereas, the City Council of the City of Oakland shall consider adoption of local amendments to the 2004 edition of the California Building Standards Code, California Code of Regulations (CCR), Title 24, Part 3 (California Electrical Code); and

Whereas, prior to making such amendments, the City Council is required by Health & Safety Code Section 17958.7 to make express findings that such non-administrative amendments are reasonably necessary because of local climatic, geologic, or topographic conditions.

Now, therefore, the Council of the City of Oakland does resolve as follows:

Resolved, that the City Council finds and determines that the current Oakland Building Code, Chapter 15.04, Article I, Part 4 of Article II, and Part 4 of Article III of the Oakland Municipal Code and the recommended non-administrative amendments thereto impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry codes and current California Building Standards Code requirements; and be it further

Resolved, that to the extent the current Oakland Building Code and the recommended amendments thereto are not found to be equivalent to or to exceed general requirements contained in uniform industry codes and current California Building Standards Code requirements, the City Council finds that such amendments (attached) are necessary as result of unique local conditions identified hereinunder; and be it further

Resolved, that this Resolution shall take effect immediately, unless otherwise required by the charter of the City of Oakland or statute of the State of California; and be it further

Resolved, that the City Clerk is hereby directed to file this Resolution and a copy of the ordinance amending Chapter 15.04 (Oakland Building Code) of the Oakland Municipal Code with the California Building Standards Commission.

City of Oakland Amendments to the 2004 Edition of the California Electrical Code

o Article I

This added section establishes administrative regulations setting forth the general submittal and fee assessment requirements for ministerial permits.

o Article II, Part 4

This added section establishes supplemental administrative regulations setting forth the specific submittal requirements for ministerial electrical permits.

o Article III, Part 4

This added section establishes supplemental non-administrative regulations setting forth special requirements for ministerial electrical permits for construction in the Fire Damaged, Fire Hazard, and North Oakland Hills Specific Plan areas. 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS

Interim City Clerk and Clerk of the
Council of the City of Oakland, California