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CITY OF OAKLAND
Agenda Report

2010 OCT -7 PM 5:48

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: October 12, 2010

RE: **A Supplemental Report Removing A Proposed New Amendment From The Administrative Section Of An Ordinance Adopting Local Amendments To The 2010 Edition Of The California Model Building Code, California Code Of Regulations (CCR), Part 2 (Building)**

SUMMARY

Paragraph H of Section 15.04.080 -- Powers And Duties Of The Building Official will be removed from the administrative amendments to the 2010 edition of California Building Code. There is not sufficient time before the January 1, 2011, statutory deadline for submitting an adopted ordinance to the California Building Standards Commission to finalize appropriate language which comports with state statutory requirements. A revised version of page 20 of the proposed Ordinance, showing in strike-through format the language which staff now request be deleted, is included as *Attachment A* to this supplemental report.

This section is intended to provide flexibility for the Building Official to authorize certification by licensed architects, engineers, and contractors, in lieu of City plan check review and inspections, of the design and construction of commercial and residential remodeling projects. Projects such as residential kitchen and bathroom remodeling and commercial office space improvements which do not increase the volume of the existing space or change the existing occupancy of the building could be approved for designer/builder certification.

The statutory permissions and limitations for this new program are complex and will require further discussion with the City Attorney to finalize the code language and craft an effective administrative procedure.

FISCAL IMPACT

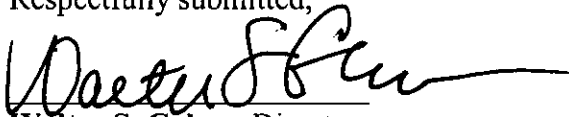
There is no fiscal impact. This is an administrative action mandated by State law. Resources from existing budgeted staff will continue to enforce the model building code regulations.

Item No. _____
Community And Economic Development Committee
October 12, 2010

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Council approve the Ordinance adopting local amendments to the 2010 edition of the California Model Building Code, with the revision as described in this supplemental report.

Respectfully submitted,

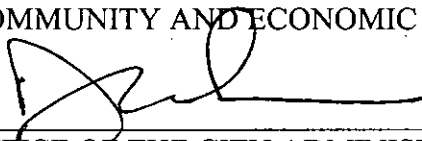


Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Deputy Director - Building Services

APPROVED AND FORWARDING TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

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.

~~H. Pursuant to statutory permissions and limitations, including, but not limited to, the California Health and Safety Code, the California Government Code, and the California Civil Code, and as otherwise known in equity jurisprudence, the Building Official may establish policies and procedures which conditionally allow the certification by California registered design professionals and California licensed contractors of work controlled by this Code in lieu of reviews and inspections by the Building Official as required by this Code. Said administrative regulations shall provide for good and sufficient indemnification of the City of Oakland from torts, monetary claims, and civil litigation and shall not be established without the written consent of the City Attorney of the City of Oakland.~~

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.