

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN EMERGENCY ORDINANCE: (1) REPEALING THE OAKLAND AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA MODEL BUILDING CONSTRUCTION CODES, (2) ADOPTING LOCAL AMENDMENTS TO THE 2025 EDITION OF THE CALIFORNIA MODEL BUILDING CONSTRUCTION CODES, (3) AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.04 TO COMPLY WITH CHANGES TO STATE LAW, AND (4) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS**

**WHEREAS**, the State of California adopts a new California Model Building Construction Code every three (3) years that goes into effect throughout the State one hundred and eighty (180) days after publication. The California Model Building Construction Code is contained in Title 24 of the California Code of Regulations (hereafter "Title 24"), and consists of several parts that are based upon model codes with amendments made by various State agencies; and

**WHEREAS**, the following editions of the California Model Building Construction Codes will be the most current in publication:

- California Administrative Code, 2025 Edition, Title 24, Part 1;
- California Building Code, 2025 Edition, Title 24, Part 2;
- California Residential Code, 2022 Edition, Title 24, Part 2.5;
- California Electrical Code, 2025 Edition, Title 24, Part 3;
- California Mechanical Code, 2025 Edition, Title 24, Part 4;
- California Plumbing Code, 2025 Edition, Title 24, Part 5;
- California Wildland-Urban Interface 2025 Edition, Title 24, Part 7
- California Historical Building Code, 2052 Edition, Title 24, Part 8;
- California Existing Building Code, 2025 Edition, Title 24, part 10;
- California Referenced Standards, 2025 Edition, C.C.R., Title 24, Part 12.

**WHEREAS**, he State 2025 Edition of the California Model Building Construction Code will go into effect throughout California on January 1, 2026; and

**WHEREAS**, local jurisdictions are required to enforce the California Model Building Construction Code but may also enact more stringent standards when reasonably necessary because of local conditions caused by climatic, geologic, or topographic conditions; and

**WHEREAS**, the City Council of the City of Oakland (“City”) does hereby determine that there is a need to enforce the most current editions of the California Model Building Construction Codes, with local administrative and non-administrative 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, energy conservation, natural resource sustainable consumption (green building), and fire suppression systems and certain equipment within the corporate boundaries of the City; and

**WHEREAS**, as in past State code adoption cycles, the City repeals its existing local amendments to the 2022 Edition of the California Model Building Construction Code (“2022 Oakland Amendments”) in their entirety and enacts new local amendments to the 2025 Edition of the California Model Building Construction Code (“2025 Oakland Amendments”); and

**WHEREAS**, Assembly Bill 130 (“AB 130”), signed by Governor Gavin Newsom on June 30, 2025, introduced significant changes to the triennial code cycle adoption and the local amendment process for residential buildings and occupancies by limiting a local jurisdiction’s ability to make local amendments after September 30, 2025. These changes will extend the typical three-year adoption cycle to six years, thereby maintaining the 2025 California Model Building Standards Code until January 1, 2031 and prohibiting local jurisdictions from submitting non-emergency amendments to residential building standards during the same six-year period after September 30, 2025, unless the amendments pertain to certain exemptions, such as requiring stricter compliance within Wildland-Urban Interface areas or requiring green building features consistent with federal law and the City’s General Plan that are also meant to incentivize building electrification; and

**WHEREAS**, as a result, any proposed local amendments as to residential buildings must be adopted by the City Council and submitted to the California Building Standards Commission, no later than September 30, 2025, in accordance with the accelerated timeline established by AB 130. This deadline supersedes the previous State-imposed January 1 submission date on the previous triennial cycle; and

**WHEREAS**, as a result of the State-imposed deadline, the City Council finds and determines that this Ordinance is necessary for preserving the public peace, health, or safety in an emergency since the local amendments contained herein uniquely serve to protect the public health and safety due to the City’s specific local climatic, geographic and topographic features that are unknown to or not considered by those outside of the City; and

**WHEREAS**, specifically, local amendments are needed to address several of the City’s unique hazards, such as sea level rise from increased greenhouse gas pollution, earthquake risk,

fire risk, and other risks and hazards that the City deals with due to its specific climatic, geologic and topographical conditions; and

**WHEREAS**, in compliance with City Charter section 213, this emergency ordinance was introduced and adopted at the same City Council meeting since it received an affirmative vote of at least six (6) members of the City Council; and

**WHEREAS**, pursuant to said California Health & Safety Code section 17958.5, said local amendments shall be set forth and adopted through an ordinance before the effective dates of the most current editions of the California Model Building Construction Codes; and

**WHEREAS**, the City Council further hereby determines that said non-administrative amendments of the California Model Building Construction Codes impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry standards and the most current California Model Building Construction Codes requirements; and

**WHEREAS**, California Health & Safety Code section 17958.7 provides that before making any changes or modifications to the California Building Standards Code and any other applicable provisions published by the State Building Standards Commission, including, but not limited to, green building standards, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions affecting climate, geography, or topography, and the findings must be filed with the State Building Standards Commission before the local changes or modifications can go into effect; and

**WHEREAS**, pursuant to California Health & Safety Code section 17958.5, as a condition of and concurrent with the adoption of said local amendments, the City Council, in a separate companion resolution, has made express findings that said non-administrative amendments are reasonably necessary because of local climatic, and geologic, or topographical conditions; and

**WHEREAS**, the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378, 15061 (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

**WHEREAS**, each of the foregoing CEQA exemptions provides a separate and independent basis for CEQA compliance and, when viewed individually or collectively, provides an overall basis for CEQA compliance; and

**WHEREAS**, the City Council further hereby finds that the most current editions of the California Model Building Construction Codes, with local amendments as recited herein, shall be the governing building construction codes for the City from and following September 15, 2025; and

**WHEREAS**, based on all written and oral reports and presentations to the City Council, including the Agenda Report and each of the Attachments thereto, the City Council finds and determines that the proposed local amendments to the 2025 California Model Building Construction Codes set forth herein are reasonably necessary because of local climatic, geological, and topographic conditions, and that such modifications are required in order to provide specific and greater protections to the public health, safety and welfare than are afforded by the 2022 California Model Building Construction Codes; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Scope.**

**A. Recitals.**

The City Council hereby determines that the preceding recitals are true and correct and an integral part of the City Council's decision and hereby adopts and incorporates them into this Ordinance.

**B. Repeal of 2022 Oakland Local Amendments.**

The 2022 Oakland Amendments, adopted by Ordinance No. 13717 C.M.S., are hereby expressly repealed in their entirety, and unless superseded and expressly repealed, all references in City forms, documents and regulations to the chapters and sections of the 2022 Oakland Amendments shall be construed to apply to the corresponding provisions contained within the 2025 Oakland Amendments.

**C. Purpose and Intent.**

It is the purpose and intent of this Ordinance to expressly enact local amendments to the 2025 California Model Building Construction Codes, consistent with and exceeding the 2025 California Model Building Construction Code requirements, in order to preserve the public peace, health, safety, and general welfare of the citizens and residents of, and travelers through, the City of Oakland, as authorized by the California Health & Safety Code.

**SECTION 2. California Environmental Quality Act (CEQA) Findings.**

This Ordinance is hereby ordained to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378, 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Further, each of the foregoing CEQA exemptions provides a separate and independent basis for CEQA compliance and, when viewed individually or collectively, provides an overall basis for CEQA compliance.

**SECTION 3. Enactment of Local Amendments to the 2025 Editions of the California Model Building Construction Codes (Amendments to Oakland Municipal Code Chapter 15.04).**

The following articles, parts, and sections are hereby adopted by this ordinance and incorporated into Oakland Municipal Code Chapter 15.04. The most current editions of the California Model Building Construction Codes, as amended herein, shall be the governing Building and Construction Codes for the City of Oakland from and following January 1, 2026.

- Article I Sections 15.04.1.100 through 15.04.1.180 inclusive, General Administrative Amendments
- Article II - Part 1, Sections 15.04.2.100 through 15.04.2.180 inclusive, Administrative Amendments To The California Administrative Code, 2025 Edition
- Article II - Part 2, Sections 15.04.2.200 through 15.04.2.242 inclusive, Administrative , Amendments To The California Building Code, 2025 Edition
- Article II Part 2.5, Sections 15.04.2.2500 through 15.04.2.2515 inclusive, Administrative Amendments To The California Residential Code, 2025 Edition
- Article II - Part 3, Sections 15.04.2.300 through 15.04.2.385 inclusive, Administrative Amendments To The California Electrical Code, 2025 Edition
- Article II - Part 4, Sections 15.04.2.400 through 15.04.2.450 inclusive, Administrative Amendments To The California Mechanical Code, 2025 Edition
- Article II - Part 5, Sections 15.04.2.500 through 15.04.2.540 inclusive, Administrative Amendments To The California Plumbing Code, 2025 Edition
- Article II - Part 7, Section 15.04.2.700, RESERVED
- Article II - Part 8, Section 15.04.2.800, Administrative Amendments To The California Historical Building Standards Code, 2025 Edition
- Article II - Part 10, Section 15.04.2.1000, Administrative Amendments To The California Existing Building Standards Code, 2025 Edition
- Article II - Part 12, Section 15.04.2.1200, Administrative Amendments To The California Reference Standards Code, 2025 Edition, Article m -Part 1, Sections 15.04.3.1.OOO RESERVED
- Article III Part 2, Sections 15.04.3.2000 through 15.04.3.2095 inclusive, Non - Administrative Amendments To The California Building Code, 2025 Edition
- Article III Part 2.5, Sections 15.04.3.25000 through 15.04.3.25130 inclusive, Non - Administrative Amendments To The California Residential Code, 2025 Edition
- Article III Part 3, Sections 15.04.3.3000 through 15.04.3.3070 inclusive, Non - Administrative Amendments To The California Electrical Code, 2025 Edition
- Article III Part 4, Sections 15.04.3.4000 through 15.04.3.4015 inclusive, Non - Administrative Amendments To The California Mechanical Code, 2025 Edition
- Article III Part 5, Sections 15.04.3.5000 through 15.04.3.5065 inclusive, Non- Administrative Amendments To The California Plumbing Code, 2025 Edition
- Article III - Part 7, Section 15.04.3.7000, RESERVED
- Article III Part 8, Section 15.04.8000, Non-Administrative Amendments To The California Historical Building Code, 2025 Edition
- Article III - Part 10, Section 15.04.3.10000, though 15.04.3.10005 Non-Administrative Amendments To The California Existing Building Code, 2025 Edition
- Article III - Part 12, Section 15.04.3.12000, Non-Administrative Amendments To The California Referenced Standards, 2025 Edition

#### **SECTION 4. Amendments.**

The following changes, supplements, additions, and deletions of the 2025 Edition of the California Model Building Construction Codes are hereby enacted by this Ordinance and incorporated into the Oakland Municipal Code, Chapter 15.04:

#### **SECTION 5 - Applicability.**

##### **A. Construction and Severability.**

Should any article, part, section, subsection, sentence, clause, or phrase of this Ordinance be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect. The City Council hereby declares that it would have approved and adopted this ordinance and each article, part, section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more articles, parts, sections, subsections, sentences, clauses, phrases or other parts be declared unconstitutional.

##### **B. Effective and Operative Dates.**

This Ordinance shall become effective on and after its adoption by sufficient affirmative votes of the City Council, as provided in the Charter of the City of Oakland, Section 216. This Ordinance shall take effect and be in full force on and following January 1, 2026.

##### **C. Conforming Changes.**

The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Amendments in the Oakland Municipal Code.

## **Article I. General Administrative Amendments**

### **15.04.1.100 Title.**

This Chapter of the Oakland Municipal Code shall be known as the "Oakland Amendments of the 2025 Editions of the California Building Standards Code, Part 1 (Administrative), Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 7 (Wildland-Urban Interface), Part 8 (Historical Buildings), Part 10 (Existing Buildings), and Part 12 (Referenced Codes)," may be cited as such, and will be referred to herein as "this Chapter," "this Code," or the "2025 Oakland Building Construction Code."

### **15.04.1.110 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 1, 2, 2.5, 3, 4, 5, 7, 8, 10, and 12, the enforcement of which by local jurisdictions is provided for in the Matrix Adoption Tables, the provisions of the California Amendments shall prevail and control.

### **15.04.1.115 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.

#### **15.04.1.120 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.

#### **15.04.1.125 Administrative hearings.**

A. General. In order to appeal orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the non-administrative (technical) requirements of this Code, any person adversely affected by the order, decision, or determination may request an administrative hearing with a Hearing Officer. The request shall be filed in writing with the Building Official and shall be accompanied by a fee as established in the Master Fee Schedule.

The written request for an administrative hearing with the accompanying fee shall be received by the Building Official within twenty-one (21) calendar days from the date of the service of such order, decision or determination of the Building Official, 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 request and fees shall be received by the City within seven (7) calendar days from the date of the service of the



declaration or order of the Building Official. Failure to file such written request along with full payment of fees within the period of time prescribed herein shall constitute a waiver of the right to an administrative adjudication of such action or to any portion thereof and constitutes a failure to exhaust administrative remedies.

The request for an administrative hearing shall contain the following information:

1. A brief statement setting forth the interest of the appellant 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 appellant, and his or her mailing address; and
6. The verification (by declaration under penalty of perjury) of at least one (1) person requesting a hearing as to the truth of the matters stated in the request for hearing.

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.** The administrative hearing before a Hearing Officer shall be an evidentiary hearing. Only those technical matters or issues specifically raised by the appellant in the request for administrative hearing shall be considered. The appellant and the City may present witnesses and such documentary evidence as are relevant to the issues. The Hearing Officer shall have the power to administer oaths. Upon a showing of good cause by the appellant or the City, the Hearing Officer may request that the City Clerk issue subpoenas under the seal of the City for a witness to appear and testify or to produce documents. Willful failure to appear to testify or to produce documents under subpoena may be punished as an infraction or as an administrative citation. The City has the burden of proof by a preponderance of the evidence.

D. **Hearing Officer.** The Hearing Officer 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 Officer 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 Officer in all instances shall be final and conclusive unless the appellant files an appeal, as set forth in Subsection 15.04.1.125 G.

G. Appeal of Hearing Officer Decision to Appeals Board. The appellant may appeal the Hearing Officer's determination to an Appeals Board as follows:

1. Appeals Board. The Appeals Board shall be, at the City's discretion, either the City Council or an Appeals Board appointed by the City Administrator. Appeals Board members shall not be employees of the City of Oakland.

2. Only appeals based on a substantive violation of Chapter 15.04, 15.08, or the California Model Building Construction Code may be appealed as provided in Subsection 15.04.1.125 G. This includes Building Code violations, substandard/public nuisance determinations, and orders to abate. The following may not be appealed to the Appeals Board: billing appeals, blight violations (unless based on a Building Code violation) (O.M.C. Chapter 8.24), graffiti (O.M.C. Chapter 8.10), public nuisance determinations not based on Building Code violations, planning code or zoning violations, and any other violation of a City ordinance not based on a Building Code violation.

3. The appellant must file the appeal within fourteen (14) calendar days of service of the Hearing Officer's determination. The appellant shall file the appeal on a form, under such procedures, and at such location as may be established by the City Administrator. The appellant must state the basis for the appeal and how the decision by the Hearing Officer was in error. The appellant shall pay a fee established for appeals to the Appeals Board in the Master Fee Schedule.

4. The Appeals Board's consideration shall be limited to the record established by the hearing officer. The Appeals Board shall not consider new evidence unless the proponent shows that the evidence is both newly discovered and material and could not, with reasonable diligence, have been produced at the hearing before the Hearing Officer. If, the Appeals Board makes such determination, it may hear the additional evidence at a continued hearing, allowing the opposing party to respond, or may remand the matter to the Hearing Officer to consider the new evidence.

5. The appellant shall have the burden of demonstrating that there is no substantial evidence in the record to support the Hearing Officer's decision, or that the decision is based on an error of law.

H. The decision of the Appeals Board shall be final. 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 Appeals Board.

#### **15.04.1.130 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.

#### **15.04.1.135 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:

"To the maximum extent permitted by law, I hereby agree to save, defend (with counsel acceptable to the City), indemnify and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency and their respective officials, officers, employees, representatives, agents, and volunteers (hereafter called "City") from any liability, damages, claims, judgment, loss (direct or indirect), action, causes of action, or proceedings (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this permit or implementation of this permit, or 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. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees. Within ten (10) calendar days of the service of any Action as specified above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the permit. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations above or other conditions of approval that may be imposed by the City. I further agree in all things to strictly comply with the conditions under which this permit is granted, and 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 and email address 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 Building Official 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. Every permit issued shall become invalid unless the work on site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is inactive, suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. Work which does not receive a major inspection, as further defined in Section 15.04.2.240, and approval or partial approval within one hundred eighty (180) days shall be deemed inactive, suspended or abandoned and be subject to abatement action in accordance with Section 15.08.340. Permits shall expire after seven hundred twenty (720) days from date of issuance. The Building Official is authorized, upon payment of fees prescribed in the Master Fee Schedule, to grant in writing, one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension request shall be in writing and justifiable cause demonstrated.

#### **15.04.1.140 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 ( $\frac{1}{4}$ ) inch to one (1) foot upon digital media as specified by the Building Official or, if approved, upon substantial paper, 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, slabs, the upstream manhole cover; 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 Building Official 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.

#### **15.04.1.145 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 electronically or digitally signed as required by current California Law by the preparer with the index sheet signed by the preparer. Name, address, telephone and email address of preparer shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be signed with at least one (1) 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 electronically or digitally signed, sealed and dated as required by current California Law by the professional with the index sheet signed and sealed by the professional. Name, address, telephone and email address 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 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 seals, signatures, and date of signage of persons responsible for the report are displayed.

E. Calculations Prepared by a Registered Design Professional. Calculations should have an index sheet where the "seal, signature, and date of signage of person responsible for the calculations are displayed. If there is no index sheet then all the calculation sheets require seal, signature, and date of signage. If the plans for which the calculations were prepared are appropriately signed, sealed, and dated 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, sealed, and dated 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" or electronically signed as required by current California Law by the appropriate parties.

G. Signatures on Survey and Plot Plan. Surveys and plot plans shall be electronically or digitally signed, sealed and dated as required by current California Law. When approved by the Building Official to receive physical plans, 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 (2) 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 seal and signature is not submitted then all of the revised plan sheets submitted shall be signed and, if appropriate, sealed as required. Revisions of documents prepared and signed by a registered design professional shall be accompanied by written permission of the registered design professional of record acknowledging such changes. Such revisions shall be prepared and signed by a registered design professional as required by current California Law.

I. Corrections During Plan Check. Signatures and seals on revisions or corrections submitted during the plan check shall be as required for new submittals.

#### **15.04.1.150 Persons who may prepare plans.**

A. Definitions. See Section 15.04.1.175 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 (4) dwelling units and with no more than four (4) dwelling units on any single lot. The buildings are limited to conventional wood framed construction with no

more than two (2) stories and basement in height. The structure of basement foundations, retaining walls more than four (4) 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 (2) 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.

#### **15.04.1.155 Expiration or extension of issued permit.**

Every permit issued shall become invalid unless the work on site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. Work which does not receive a major inspection, as further defined in Section 15.04.2.240, and approval or partial approval within one hundred eighty (180) days shall be deemed suspended or abandoned and be subject to abatement action in accordance with Section 15.08.340. Permits shall expire after seven hundred twenty (720) days from date of issuance. The Building Official is authorized, upon payment of fees prescribed in the Master Fee Schedule, to grant in writing, one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension request shall be in writing and justifiable cause demonstrated.

#### **15.04.1.160 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.

#### **15.04.1.165 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 15.04.1.130 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 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 (80) percent 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.

**15.04.1.170 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 on private property, unless it is absolutely not possible.
- 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 and must have secondary containment as a condition of the National Pollution Discharge Elimination System and the Clean Water Act.
- 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.

**15.04.1.175 Means of Egress During Construction**

Required means of egress shall be maintained at all times during construction, demolition, remodeling or alterations and additions to any building, as per the provisions of the California Building Code Sections 3302, 3310.1 and 3310.2 to residential uses applicable to HCD 1 (ref CBC 1.8.2.1.1) and HCD 2 (ref. CBC 1.8.2.1.3). Stairways are required for buildings up to 50 feet in height or up to 4 stories, or buildings taller than 50 feet in height that have been altered, shall be provided with no fewer than one temporary lighted stairway unless one of more of the permanent stairways are erected as the construction progresses.

**15.04.1.180 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 Bureau of Building of the Planning and Building Department, and its successor in title.
- C. Building Official. Wherever reference is made in this Code to "Building Official," it shall mean the Deputy Director, Planning and Building Department, 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 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 Residential Code. The International Residential Building Code as amended and adopted by the State of California and 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.
- F. California Electrical Code. The National Electric Code as amended and adopted by the State of California and 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.
- G. California Mechanical Code. The Uniform Mechanical Code as amended and adopted by the State of California and 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.
- H. California Plumbing Code. The Uniform Plumbing Code as amended and adopted by the State of California and 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.
- J. California Wildland-Urban Interface Code. The California Wildland-Urban Interface Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 7; 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.
- K. California Historical Building Code. The International Historical Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 8; 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.

L. California Existing Building Code. The International Existing Building Code as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 10; 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.

N. California Referenced Standards. The International Referenced Standards as amended and adopted by the State of California and another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 12; 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.

O. 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.

P. Department Having Jurisdiction. Wherever reference is made in this Code to "department having jurisdiction," it shall mean the Bureau of Building, Planning and Building Department, and its successor in title.

Q. Very High Fire Hazard Severity Zone. All of that area within the City as defined by the Fire Marshal 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 Steams Avenue; west on Steams 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.

R. Index Sheet. A sheet located within the first or second 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.

S.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.

T.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 8 (Historical Buildings), Part 10 (Existing Buildings), and Part 12 (Reference Standards) with local amendments thereto as adopted by the Council of the City of Oakland.

U. Readily Accessible. As defined in the California Plumbing and Mechanical Codes.

V. Sealed (Stamped). Indicates the plan(s) is/are sealed, as required by California Business & Professions Code Sections 5536.1, 5536.2, and 6735, 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.

W. Signed. Indicates the originals of the indicated plan(s) have been "wet" or electronically signed and dated as required by Current California Law (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."

X. 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.

Y. "Wet" Signed. Indicates the plan(s) is/are signed with originally applied ink or applied to the print or copy of the plans or other submittal documents or electronically signed and dated as required by current California law, submitted with an application for permit. Also refer to the definition of "signed."

#### **15.04.1.185 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 is occupied that credentials be presented to the occupant and entry requested. If such building or premises is 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.

F. 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.

G. 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.

H. 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. Administrative Amendments**

### **Part 1 Administrative Amendments to the California Administrative Code**

#### **15.04.2.100 Reserved.**

### **Part 2 Administrative Amendments to the California Building Code**

#### **15.04.2.200 Refer to Article I.**

**Refer to Article I—General Administrative Amendments of this Chapter.**

#### **15.04.2.202 Section 101.2 of CBC Chapter 1 amended.**

In Section 101.2 of Chapter 1 of the California Building Code, add Section 15.04.1.110 of this Chapter.

#### **15.04.2.204 Section 102.1 of CBC Chapter 1 amended.**

In Section 102.1 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.115 of this Chapter.

#### **15.04.2.206 Section 102.2 of CBC Chapter 1 amended.**

In Section 102.2 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.120 of this Chapter.

#### **15.04.2.208 Section 103 of CBC Chapter 1 deleted.**

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

#### **15.04.2.210 Section 104 of CBC Chapter 1 amended.**

In Section 104 of Chapter 1 of the California Building Code, add section 15.04.1.130 of this Chapter as a new subsection 104.103.

#### **15.04.2.212 Section 105.1 of CBC Chapter 1 amended.**

In Section 105.1 of Chapter 1 of the California Building Code, add “Automatic Gate System” and delete sections 105.1.1 and 105.1.2 in their entirety.

**15.04.2.214 Section 105.2 of CBC Chapter 1 amended.**

In Section 105.2 of Chapter 1 of the California Building Code, under "Building":

Delete and replace subparagraph number 2 in its entirety with the following:

"Concrete or masonry fences not over 3 feet high and fences, other than swimming pool barriers, constructed of other materials when not over 7 feet high, gates or fences without automatic openers"

Delete and replace subparagraph number 4 with the following:

"Pier supported retaining walls that are not over 3 feet (914 mm) in height measured above adjacent grade to the top of the wall, with pier spacings not exceeding 4 feet (1219 mm), unless supporting a surcharge."

"Other retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge."

Modify paragraph 6 to read:

"Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below, parking lot resurfacing or restriping not containing required parking, and are not part of an accessible path of travel."

Delete and replace subparagraph number 7 with the following:

"Interior painting and exterior painting on buildings constructed after 1978, papering, tiling, carpeting, cabinets, counter tops and similar finish work."

**15.04.2.216 Section 105.3 of CBC Chapter 1 amended.**

In Section 105.3 of Chapter 1 of the California Building Code, add section 15.04.1.135 of this Chapter as the number 8 subparagraph.

**15.04.2.218 Section 105.3 of CBC Chapter 1 amended.**

In Section 105.3 of Chapter 1 of the California Building Code, add section 15.04.1.140 of this Chapter as the number 9 subparagraph.

**15.04.2.220 Section 105.3.1 of CBC Chapter 1 amended.**

In Section 105.3.1 of Chapter 1 of the California Building Code, delete and 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."

**15.04.2.222 Section 105.3.2 of CBC Chapter 1 amended.**

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

**15.04.2.224 Section 105.5 of CBC Chapter 1 amended.**

In Section 105.5 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.155 of this Chapter.

**15.04.2.226 Section 105.6 of CBC Chapter 1 amended.**

In Section 105.6 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.160 of this Chapter.

**15.04.2.228 Section 105.7 of CBC Chapter 1 amended.**

In Section 105.7 of Chapter 1 of the California Building Code, replace the paragraph 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.)."

**15.04.2.230 Section 105.8 of CBC Chapter 1 added.**

Add a new Section 105.8 in the California Building Code stating:

"Section 105.8 Responsibility of Permittee Building permits shall be presumed to incorporate the provision that the applicant, the applicant's agent, employees or contractors shall carry out the proposed work in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this code."



**15.04.2.232 Section 107.1 of CBC Chapter 1 amended.**

In Section 107.1 of Chapter 1 of the California Building Code, add section 15.04.1.145 as a new subsection 107.1.1.

**15.04.2.234 Section 107.1 of CBC Chapter 1 amended.**

In Section 107.1 of Chapter 1 of the California Building Code, add section 15.04.1.150 as a new subsection 107.1.2.

**15.04.2.236 Section 107.1 of CBC Chapter 1 amended.**

In Section 107.1 of the California Building Code, replace the phrase "... two or more sets ..." in the first sentence with "three or more sets, as the Building Official may require...."

**15.04.2.238 Section 107.2.6 of CBC Chapter 1 amended.**

In Section 107.2.6 of the California Building Code, add the following:

**Boundary and Topographic Survey Maps**

**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.

**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 benchmarks, 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); and
- 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: [mapname], 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 file (or have filed) 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 file (or have filed) 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.

#### Plot Plan

##### 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 three (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.

##### 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.

(signature) ,

(date) 20

Title: \_\_\_\_\_ License No:

Expires \_\_\_\_\_, 20\_\_

**15.04.2.240 Subsection 107.3.3 of CBC Chapter 1 deleted.**

In Section 107.3 of Chapter 1 of the California Building Code, delete subsection 107.3.3 in its entirety.

**15.04.2.242 Section 109.1 of CBC Chapter 1 amended.**

In Section 109.1 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.165 of this Chapter.

**15.04.2.246 Section 109.4 of CBC Chapter 1 amended.**

In Section 109.4 of Chapter 1 of the California Building Code, replace "...Building Official..." with "as established in the Master Fee Schedule."

**15.04.2.248 Section 109.1 of CBC Chapter 1 amended.**

In Section 109.5 of 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."

**15.04.2.250 Section 109.6 of CBC Chapter 1 deleted.**

In Section 109.6 of Chapter 1 of the California Building Code, delete this Section in its entirety.

**15.04.2.252 Section 110.3.810 of CBC Chapter 1 amended.**

In Section 110.3.810 of 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."

**15.04.2.254 Section 110.3, subsection 110.3.113 of CBC Chapter 1 added.**

In Section 110.3 of Chapter 1 of the California Building Code, add the new subsection:

**110.3.113 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.

**15.04.2.256 Section 110.3, subsections 110.3.1—110.3.4 of CBC Chapter 1 amended.**

In Section 110.3 of Chapter 1 of the California Building Code, add and replace the following subsections with the following:

**110.3.0 Preconstruction Inspections**

Pre-Construction inspection is required for Major Projects with a valuation over \$250,000 prior to start of construction activities including grading activities to review project Conditions of Approval issued by Planning and to provide departmental guidance as it relates to inspection sequence, milestones, and Final requirements. All other projects are encouraged but not required to obtain a Pre-Construction inspection.

**110.3.1 Major Inspection—Foundation**

Before concrete or grout is placed, approval of a Foundation Inspection shall be contingent upon project adherence to Best Management Practices (BMPs), 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. 193.

**110.3.2 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 continued project adherence to Best Management Practices (BMPs), receipt and approval of required certifications, in flood hazard areas, upon placement of lowest floor, including the basement, and prior to vertical construction, the elevation certification requires in CBC Section 1612.4 or the CRC shall be submitted to the Building official, 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.

#### 110.3.3 Major Inspection—Frame

Approval of a Frame (Rough) Inspection shall be contingent upon continued project adherence to Best Management Practices (BMPs) receipt and approval of required certifications, tests, moisture content verification, 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, fire-resistance ratings, draft stopping, fire and smoke resistant penetrations and bracing; installation of noise and energy-saving materials including: insulating materials, fenestration, duct systems, HVAC, and water heating equipment; installation and approval of chimneys; and installation and approval of required electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, inserts, embedment, and similar systems, components, or ancillary equipment items. Prior to approval of frame where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved. Except: Where special inspections are provided in accordance with Section 1705.1.1, Item 3. 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.).

#### 110.3.4 Major Inspection—Final

Approval of a Final Inspection shall be contingent upon continued project adherence to project Conditions of Approval, Best Management Practices (BMPs), approval of all other required inspections; receipt and approval of required certifications, in flood hazard areas, documentation of elevation of lowest floor as required in CBC Section 1612.4 or the CRC shall be submitted to the Building official 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.

Delete sections 110.3.5, 110.3.6, 110.3.7, 110.3.8, 110.3.9, 110.3.10, 110.3.11, 110.3.12 in their entirety.

**15.04.2.257 Section 110.5. of CBC Chapter 1 amended.**

In Section 110.5 of the California Building Code, add a third sentence as follows:

"It shall the duty of the permit holder to have field personnel on site who are over the age of 18 and who have direct knowledge of the work and project and have competency to answer questions about the work performed. "

(Ord. No. 13717, § 4, 12-20-2022)

**15.04.2.258 Section 111.1 of CBC Chapter 1 amended.**

In Section 111.1 of the California Building Code, add the new second paragraph stating:

"A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans."

**15.04.2.260 Section 113 of CBC Chapter 1 amended.**

In Section 113 of Chapter 1 of the California Building Code, replace this Section in its entirety with section 15.04.1.125 of this Chapter.

**Part 2.5 Administrative Amendments to the California Residential Code**

**15.04.2.2500 Prevailing provisions.**

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.

**15.04.2.2505 Section R105.2 of CRC amended.**

In Section R105.2 of Chapter 1 of the California Residential Code, replace subparagraph number 1 (under "Building") in its entirety with the following:

Other than storm shelters, One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>). It is permissible that these structures still be regulated by Section 710A of the California Building Code, despite exemption from permit.

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 7 feet high".

Replace subparagraph number 3 in its entirety with the following:

"Pier supported retaining walls that are not over 3 feet (914 mm) in height measured above adjacent grade to the top of the wall, with pier spacings not exceeding 4 feet (1219 mm), unless supporting a surcharge."

"Other retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge."

Delete and replace subparagraph number 6 with the following:

"Interior painting and exterior painting on buildings constructed after 1977, papering, tiling, carpeting, cabinets, counter tops and similar finish work."

In subparagraph number 10, replace the end of the last sentence starting with "...the exit door required by Section R311.4." with "...any door."

#### **15.04.2.2510 Section R105.5 of CRC amended.**

In Section R105.5 of Chapter 1 of the California Residential Code, replace this Section in its entirety with section 15.04.1.155 of this Chapter.

#### **15.04.2.2515 Section R105.8 of CRC amended.**

In Section R105.8 in the California Residential Code, replace the entire section with the following:

"Section R105.8 Responsibility of Permittee. Building permits shall be presumed to incorporate the provision that the applicant, the applicant's agent, employees or contractors shall carry out the proposed work in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this code."

#### **15.04.2.2520 Section R109.3 of CRC amended.**

In Section 109.3 of the California Residential Code, add a third sentence as follows:

"It shall the duty of the permit holder to have field personnel on site who are over the age of 18 and who have direct knowledge of the work and project and have competency to answer questions about the work performed. “

### **Part 3 Administrative Amendments to the California Electrical Code**

#### **15.04.2.300 Reference to Article 1.**

Refer to Article I—General Administrative Amendments of this Chapter.

#### **15.04.2.305 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."

#### **15.04.2.310 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.

#### **15.04.2.315 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.

#### **15.04.2.320 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 with 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.

#### **15.04.2.325 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.

#### **15.04.2.330 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.

#### **15.04.2.335 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.

#### **15.04.2.340 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 is occupied that credentials be presented to the occupant and entry requested. If such building or premises is 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.

#### **15.04.2.345 General standards; appeals; violations.**

- A. General Standards. Refer to Section 15.04.1.115 of this Chapter.
- B. Appeals. Refer to Section 15.04.1.125 of this Chapter.
- C. Violations. Refer to Section 15.04.1.130 of this Chapter.

#### **15.04.2.350 Application for permit.**

- A. Refer to Section 15.04.1.135 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.

#### **15.04.2.355 Information on submittals; signing and sealing of documents; persons who may prepare plans.**

- A. Information on Submittals. Refer to Section 15.04.1.140 of this Chapter.



- B. Reserved.
- C. Signing and Sealing of Plans and Other Submittal Documents. Refer to Section 15.04.1.145 of this Chapter.
- D. Persons Who May Prepare Plans. Refer to Section 15.04.1.150 of this Chapter.

#### **15.04.2.360 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 (1) set of approved plans and specifications shall be returned to the applicant and said set shall be always kept on the site of the building or work 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.

**15.04.2.365 Expiration of permit application or issued permit; suspension or revocation; fees.**

- A. Expiration of Permit Application or Issued Permit. Refer to Section 15.04.1.155 of this Chapter.
- B. Suspension or Revocation of Issued Permit. Refer to Section 15.04.1.160 of this Chapter.
- C. **Fees. Refer to Section 15.04.1.165 of this Chapter.**

**15.04.2.370 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. It shall be the duty of the permit holder to have field personnel on site who are over the age of 18 and who have direct knowledge of the work and project and have competency to answer questions about the work performed. 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. 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.

#### **15.04.2.375 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.

#### **15.04.2.380 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.

**15.04.2.385 Article 110-35 of CEC added.**

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.

**Part 4 Administrative Amendments to the California Mechanical Code**

**15.04.2.400 Refer to Article 1.**

Refer to Article I—General Administrative Amendments of this Chapter.

**15.04.2.405 CMC Section 1.1.1 amended.**

In Section 1.1.1 of the California Mechanical Code, replace "Uniform Mechanical Code" with "Oakland Amendments of the California Mechanical Code."

**15.04.2.415 CMC Section 106.0 amended.**

In Section 106.0 of the California Mechanical Code, replace this Section in its entirety with Section 15.04.1.130 of this Chapter.

**15.04.2.420 CMC Section 1.8.8 amended.**

In Section 1.8.8 of the California Mechanical Code, replace this Section in its entirety with Section 15.04.1.125 of this Chapter.

**15.04.2.425 CMC Section 106.1 amended.**

In Section 106.1 of the California Mechanical Code, replace this Section in its entirety with Section 15.04.1.130 of this Chapter.

**15.04.2.430 CMC Sections 1.8.4.1, 104.4.6, 104.3.1 amended.**

- A. In Section 1.8.4.1 of the California Mechanical Code, add Section 15.04.1.135 of this Chapter.
- B. In Section 104.3.1 of the California Mechanical Code, replace this Section in its entirety with Section 15.04.1.140 of this Chapter.

**15.04.2.435 CMC Sections 104.4.3 and 104.5 amended.**

- A. In Section 104.3.3 of the California Mechanical Code, replace the first sentence of the first paragraph with Section 15.04.1.155 of this Chapter.
- B. In Section 104.5 of the California Mechanical Code, replace this Section in its entirety with Section 15.04.1.165 of this Chapter.

**15.04.2.440 CMC Sections 104.5 and 104.5.2 amended.**

- A. In Sections 104.5 of the California Mechanical Code, replace these sections in their entirety with Sections 15.04.1.165 and 15.04.1.170 of this Chapter.
- B. In Section 104.5.2 of the California Mechanical Code, replace the second sentence, which begins with "...The investigation fee shall..." with Section 15.04.1.165 of this Chapter.

**15.04.2.445 CMC Section 105.2.5**

In Section 105.2.5 of the California Mechanical Code, replace the first paragraph with the following paragraph as follows:

"It shall be the duty of the holder of a permit to have field personnel on site who are over the age of 18 and who have direct knowledge of the work and project and have competency to answer questions about the work performed and to make sure that the work will stand the test prescribed before giving notification. "

**15.04.2.450 CMC Section 105.2.6 amended.**

In Section 105.2.6 of the California Mechanical Code, replace the fourth paragraph beginning "To obtain a re-inspection..." with section 15.04.1.165 of this Chapter.

**15.04.2.455 CMC Table 104.5 deleted.**

In Table 104.5 of the California Mechanical Code, delete this table in its entirety.

**Part 5 Administrative Amendments to the California Plumbing Code**

**15.04.2.500 Refer to Article 1.**

Refer to Article I—General Administrative Amendments of this Chapter.

**15.04.2.505 CPC Sections 101.1, 101.5.3 and 101.5.6 amended.**

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."

**15.04.2.510 CPC Sections 102.2, 102.3.1 and 102.3.2 amended.**

A. In Section 102.2 of the California Plumbing Code, add Section 15.04.1.125 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 15.04.1.130 of this Chapter.

**15.04.2.515 CPC Sections 104—104.3.2, 104.3.1, 104.4.3, 104.4.5, 104.5, 104.5.2, and 105.2.6 amended.**

A. In Section 104 of the California Plumbing Code, add Section 15.04.1.135 of this Chapter as a new section 103.2.1.7.

B. In Section 104.3.2 of the California Plumbing Code, replace "one" in the phrase "...one or more sets..." in the first sentence of the first paragraph with "three (3)".

C. In Section 104.3.1 of the California Plumbing Code, replace this Section in its entirety with Section 15.04.1.140 of this Chapter.

D. In Section 104.4.3 of the California Plumbing Code, replace the first sentence of the first paragraph with Section 15.04.1.155 of this Chapter.

E. In Section 104.4.5 of the California Plumbing Code, replace this Section in its entirety with Section 15.04.1.160 of this Chapter.

F. In Sections 104.5 of the California Plumbing Code, replace these sections in their entirety with Sections 15.04.1.165 and 15.04.1.170 of this Chapter.

G. In Section 104.5.2 of the California Plumbing Code, replace the second sentence in the subparagraph beginning "The investigation fee shall..." with Section 15.04.1.165 of this Chapter.

H. In Section 105.2.6 of the California Plumbing Code, replace the fourth paragraph beginning "To obtain a re-inspection..." in its entirety with Section 15.04.1.165(B) of this Chapter.

**15.04.2.520 CPC Section 105.2.5 amended.**

In Section 105.2.5 of the California Plumbing Code, replace the first paragraph with the following paragraph as follows:

“It shall be the duty of the holder of a permit to have field personnel on site who are over the age of 18 and who have direct knowledge of the work and project and have competency to answer questions about the work performed and to make sure that the work will stand the test prescribed before giving notification. “

**15.04.2.525 CPC Section 202.0 amended.**

A. In Section 202.0 of the California Plumbing Code, replace "" Authority Having Jurisdiction” in its entirety with Section 15.04.1.175(A) of this Chapter.

B. In Section 202.0 of the California Plumbing Code, replace "Department Having Jurisdiction" in its entirety with Section 15.04.1.175(1) of this Chapter.

**15.04.2.530 CPC Section 301.1 amended.**

In Section 301.5 of the California Plumbing Code, add Section 15.04.1.115 of this Chapter as a new section 301.1.5.

**15.04.2.535 CPC Section 301.2 amended.**

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."

**15.04.2.540 CPC Section 301.4.5 amended.**

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."

**15.04.2.545 CPC Section there is no section amended.**

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:

**Part 7 Administrative Amendments to the California Wildland Urban Interface Code**

**15.04.2.700 Refer to Article 1.**

**Refer to Article I—General Administrative Amendments of this Chapter.**

**15.04.2.705 Amend 101.1 Title as follows:**

Change [Name of Jurisdiction] to City of Oakland Building Code

**15.04.2.710 Reserved**

**Part 8 Administrative Amendments to the California Historical Building Standards**

**15.04.2.800 Prevailing provisions.**

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.

**Part 10 Administrative Amendments to the California Existing Building Standards**

**15.04.2.1000 Prevailing provisions.**

Wherever the provisions of the California Energy Code conflict with the provisions Article I—General Administrative Amendments of this Chapter

**Part 12 Administrative Amendments to the California Reference Standards**

**15.04.2.1200 Prevailing provisions.**

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 III Non-Administrative (Technical) Amendments**

**Part 1 Reserved**

**15.04.3.1000 Reserved.**

**Part 2 California Building Code Non-Administrative Technical Amendments**



#### **15.04.3.2000 CBC Section 502.1 amended.**

In Section 502.1 of the California Building Code, add the following two (2) 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."

#### **15.04.3.2005 CBC Section 602.1 amended.**

In Section 602.1 of the California Building Code, add the following two (2) 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."

#### **15.04.3.2010 CBC Section 713.3 amended.**

In Section 713.3 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."

#### **15.04.3.2015 CBC Section 713.13.3 amended**

In Section 713.13.3 add the following language: "Chute Access rooms are required to have mechanical ventilation at the minimum rate as specified in the California Energy Code, California Mechanical Code Table 403.7, or ASHRAE standard. The required mechanical ventilation shall incorporate a ducted exhaust and supply air system. Rated corridors shall not be used to convey ventilation air to or from the rooms and the mechanical ventilation system ductwork shall not be installed in the trash/linen chute shaft unless specifically approved by the building official. Mechanical ventilation required for the chute access rooms may be installed in a separate shaft adjacent to the trash/linen chute shaft with appropriate fire protection or shall originate and

terminate to the exterior in an approved manner. The mechanical ventilation system or systems shall not compromise the integrity of the fire rating or structural components of the building and installation shall be in compliance with all applicable sections of the California Building, Fire, Energy, Green and Mechanical Codes.

**15.04.3.2020 CBC Section 717.5.4 amended.**

In Section 717.5.4 of the California Building Code, Exception 1 to the paragraph beginning with "In other than Group A, E, I, and R Occupancies..." replace "...in accordance with Section 714." with "in accordance with Section 714 and provided with an approved ventilation system preventing atmospheric transfer between units."

In Section 717.5.4 of the California Building Code, Exception 3 to the paragraph beginning with "In other than Group A, E, I, and R Occupancies..." add item 3.7 "An approved ventilation system is provided preventing atmospheric transfer between units."

In Section 717.5.4 of the California Building Code, Exception 4 to the paragraph beginning with "In other than Group A, E, I, and R Occupancies..." in the first sentence, replace "Such walls are penetrated by ducted HVAC systems,..." with "Such walls are penetrated by approved HVAC systems which prevent the atmospheric transfer between units,...."

In Section 717.5.4 of the California Building Code, Exception 1 to the paragraph beginning with "For group A, E, I, and R occupancies..." in the first sentence, replace the last part of the sentence starting with "serving the corridor..." with "serving the corridor and provided with an HVAC system which prevents the atmospheric transfer between units."

In Section 717.5.4 of the California Building Code, Exception 2 to the paragraph beginning with "For group A, E, I, and R occupancies..." add item 2.7 "An approved ventilation system is provided preventing atmospheric transfer between units."

**15.04.3.2025 CBC Section 1206.1 amended.**

In Section 1206.1 of the California Building Code, add "or from other adjoining spaces including, but not limited to, halls, corridors, stairways or service areas" to the end of the paragraph.

**15.04.3.2030 CBC Section 1206.2 amended.**

In Section 1206.2 of the California Building Code, add the words "or from other adjoining spaces" after "service areas" in the first sentence.

**15.04.3.2035 CBC Chapter 16B added.**

Add the following new Chapter 16B for requirements for Private Driveway Access Bridges:

Chapter 16B

PRIVATE DRIVEWAY ACCESS BRIDGES

Section 160IB - 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 1⅝" 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 maybe 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.

### **15.04.3.2040 CBC Sections 1805.2.1 amended**

Add at end of: "Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than 4-mil polyethylene, or other approved methods or materials". "The use of topically applied moisture barriers to concrete slabs in conjunction with conversion of non- habitable spaces to habitable spaces provided the following are adhered to:

- a) The product's permeability is at most 0.09 perms for vapor transmission toward the habitable space, as tested according with ASTM E96, which is equivalent or better than that of 6-mil polyethylene (as tested with ASTM E1745).
- b) Technical documentation, supplied by the manufacturer, based on accredited independent laboratory testing, is provided clearly indicating the product's performance meet these criteria.
- c) The product is installed per its listing by qualified individuals and per the manufacturer's instructions and special inspection is conducted by a person knowledgeable and with demonstrated history of performing such inspections on the applications of such product.

- d) The owner agrees to hold the City of Oakland Harmless by completing and submitting a Hold harmless Agreement to be filed with the County Recorder against the parcel for a fee in accordance with the Oakland aster Fee Schedule.”

**15.04.3.2045 CBC Sections 1807.1.3 and 1807.1.4 deleted.**

Delete Sections 1807.1.3 and 1807.1.4 of the California Building Code in their entirety.

**15.04.3.2050 CBC Section 1807.1.6.1 amended.**

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 inches, whichever is greater."

**15.04.3.2055 CBC Section 1807.1.6.3 amended.**

In Section 1807.1.6.3 of the California Building Code, under Item #1, delete the phrase "Table 1807.1.6.3(1) for plain masonry walls or."

**15.04.3.2060 CBC Table 1807.1.6.3(1) deleted.**

Delete Table 1807.1.6.3(1) of the California Building Code in its entirety.

**15.04.3.2065 CBC Section 1809.3 amended.**

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."

**15.04.3.2070 CBC Sections 1809.8, 1809.9.2, 1809.11 and 1809.12 deleted.**

Delete Sections 1809.8, 1809.9.2, 1809.11, and 1809.12 of the California Building Code in their entirety.

**15.04.3.2075 CBC Chapter 18B added.**

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 OFFICIAL is the Deputy Director, Planning and Building Department, and his or her successor in title, or his or her designated representative.

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, Public Works Department, 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, Planning and Building Department, and his or her successor in title.

ELEVATION is the vertical distance above or below City of Oakland datum plane 0.00.

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, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, 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, including contaminated soils, 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 18028.1 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 or Building Official 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%, at any point within the site; 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, Building Official, or their duly authorized representative.
8. The volume of excavation and fill combined 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 18028.2 Permit—When Not Required.

Provided Item 8 of Section 1802B.1 is not applicable, 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. Individual cemetery burial plot.
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 18028.3 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 Building Official.
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, Building Official, or their duly authorized representative to aid in the understanding and review of the proposed grading work.
11. Proposed Dust Control Measures.

#### Section 18028.4 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 18028.5 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 18028.6 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 Building Official, and shall include all of the following:

1. A topographic and boundary survey of the site, as provided in Section 15.04.2.225 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 Building Official. 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 or Building Official to clarify or provide additional information which may be necessary to allow a complete review of the proposed work.

#### Section 18028.7 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 Building Official 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 or Building Official. 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 or Building Official.

## 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

Building Official

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 15.04.3.2340 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 Building Official.
- b. Notifying the Applicant, verbally and in writing (with a copy to the Building Official), 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 Building Official), 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 Building Official 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 Building Official), 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 Building Official.
- 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 Building Official 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

Building Official

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 (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 Building Official 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 Building Official, The Building Official 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 Building Official). 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/she shall submit (through the Applicant), amended Plans, Schedule and Specifications for the approval of the Building Official. He/she 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 Building Official), 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 Building Official.

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 Building Official, 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 Building Official.

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 Building Official.

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 Building Official or an appropriate reference approved by the Building Official, 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 Building Official, 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 18028.17 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 18028.18 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 Building Official 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 Building Official 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 Building Official be secured before any work which has 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 Building Official 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 Building Official. 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 Building Official, 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 18058.2 Statement of Completion of Civil Engineer(s) in Responsible Charge Partial Completion.**

When, in the estimation of the Building Official, 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 Building Official

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 18058.3 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 Building Official 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 18058.4 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 18058.5 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 Building Official of the Statement of Completion of the Civil Engineer in Responsible Charge. The Building Official 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 Building Official 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 Building Official, 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 Building Official, the Building Official 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 Building Official.

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 Building Official. 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 Building Official 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 Building Official.
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 or Building Official. 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 18118.1 Security—Grading Performance.

A performance security shall be required for every grading permit issued under this Chapter. The total amount of the security shall be determined by the Building Official 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 Building Official.

The security shall remain in full force and effect until the Statement of Completion has been accepted by the Building Official. 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 18118.2 Security—Erosion and Sedimentation Control Performance.

Where erosion and sedimentation control work is required as a part of the approved grading plan, the Building Official 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 Building Official.

### Section 18118.3 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 Building Official 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 Building Official.

### Section 18128.1 Notice of Default—General.

Whenever the Building Official 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 Building Official 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 Building Official 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 18128.2 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 Building Official, but not to exceed the principal sum of the security.

### Section 18128.3 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 18128.4 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 18148.1 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 18148.2 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, riprap, 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 Building Official 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 18148.3 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 Building Official, 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 daylights 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 Building Official prior to construction. A Special Inspection letter shall be submitted to the Building Official 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 or Building Official. A permit issued by the City Engineer for direct connection to the public storm sewer system shall be required. Granting of such permit shall be a discretionary action.

**15.04.3.2080 CBC Section 1907.4 amended.**

Add after the first sentence: "The use of topically applied moisture barriers to concrete slabs in conjunction with conversion of non-habitable spaces to habitable spaces provided the following are adhered to:

- a) The product's permeability is at most 0.09 perms for vapor transmission toward the habitable space, as tested according with ASTM E96, which is equivalent or better than that of 6-mil polyethylene (as tested with ASTM E1745).
- b) Technical documentation, supplied by the manufacturer, based on accredited independent laboratory testing, is provided clearly indicating the product's performance meet these criteria.
- c) The product is installed per its listing by qualified individuals and per the manufacturer's instructions and special inspection is conducted by a person knowledgeable and with demonstrated history of performing such inspections on the applications of such product.
- d) The owner agrees to hold the City of Oakland Harmless by completing and submitting a Hold harmless Agreement to be filed with the County Recorder against the parcel for a fee in accordance with the Oakland aster Fee Schedule.

**15.04.3.2085 CBC Section 2308.3.1 amended.**

In Section 2308.7.1 of the California Building Code:

A. In the second sentence beginning with "Foundation plates or sills...", replace "V-inch diameter (12.7 mm) steel bolts" with "5/8"-inch diameter (15.9 mm) steel bolts."

B. In the fourth sentence beginning with "Bolts shall be spaced...", replace "6 feet (1829mm) on center" with "4 feet (1219mm) on center, and adequately secured in-place by an approved method before placement of concrete or grout..."

**15.04.3.2090 CBC Section 2308.3.1.1 amended.**

In Section 2308.7.1.1 of the California Building Code:

A. In the first sentence beginning with "Sill plates along..." replace "V-inch diameter (12.7 mm) anchor bolts" with "5/8"-inch diameter (15.9 mm) anchor bolts."

**15.04.3.2095 CBC Sections 3201.4 amended.**

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. If percolating or discharging within the site, energy dissipation measures shall be installed to prevent erosion. Runoff shall not surface closer than 15 feet to the property lines. No augmented runoff may cross the property lines.

**15.04.3.20100 CBC Appendix H adopted.**

Adopt Appendix H Signs, California Building Code, in its entirety.

**15.04.3.20105 CBC Appendix Q.**

Adopt Appendix Q Emergency Housing, California Building Code, with the following amendments:

Section Q101.1 Scope. Add: "The provisions and standards set forth in the Appendix shall be applicable to emergency housing established pursuant to a declaration of state of emergency, local emergency, or shelter crisis as defined in Section N102, and located in or on designated City properties or properties leased by the City for emergency housing during the period of the declared state of emergency, local emergency, and/or shelter crisis."

Section Q103.2.1 New additions, alterations, and change of occupancy. Add the following second Exception: "Change in occupancy shall not mandate conformance with new construction requirements set forth in the Oakland Building Construction Code, provided such change in occupancy meets the minimum standards set forth in this Appendix O."

**Section Q104.6 Electrical.**

For #1. Add "at 115 volts alternating current or low voltage."

For #1. Revise Exception to Read: "The source of electricity may be an emergency generator, if operated only until continuous power is restored or 72 hours, whichever is shorter, or renewable source of power such as solar or wind power."

For #3. Delete in entirety including associated Exception.

For #4. Revise to Read: "At least one GFCI-protected receptacle outlet for use by the occupant(s). Alternatively, cabins may be equipped with low voltage USB charging stations instead of Standard GFCI outlets."

Section Q106.1 General. Revise the first sentence of the second paragraph so "...when it is found necessary..." shall read "whenever it is found necessary..."

Section Q110 Emergency Housing Facilities. Revise the title of this section to read: "Emergency Housing Facilities Sanitation Requirements".

Section Q110.2 Kitchens. Replace entire section with the following:

"Kitchens and food facilities. Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980 - 114094.5 of the California Health and Safety Code."

Section Q110.3 Toilet and bathing facilities. Add this sentence to the last paragraph: "This can include foot-pumped water at hand washing stations that are properly maintained."

## **Part 2.5 California Residential Code Non-Administrative (Technical) Amendments**

### **15.04.3.25000 CRC Section R300.3 added.**

Add the following new Section R300.3 to the California Residential Code:

"R300.3 Site Drainage. Surface, subsurface, potable, and equipment drainage water shall be conveyed in an approved manner to an adequate and approved downstream transportation facility. If percolating or discharging within the site, energy dissipation measures shall be installed to prevent erosion. Runoff shall not surface closer than 15 feet to the property lines. No augmented runoff may cross the property lines."

### **15.04.3.25005**

Reserved

### **15.04.3.25010**

Reserved

### **15.04.3.25015 CRC Section 304.3.2 amended.**

In Section 317.3.2 of the California Residential Code, delete the last sentence starting with "Wood foundations..." and the associated exceptions in their entirety.

**15.04.3.25025 CRC Section R401.1 amended.**

In Section R401.1 of the California Residential Code, delete all references to "Wood foundations" in their entirety.

**15.04.3.25030 CRC Section R402.1 deleted.**

Delete Section R402.1 of the California Residential Code in its entirety.

**15.04.3.25035 CRC Section R403.1 amended.**

In Section R403.1 of the California Residential Code, in the first sentence starting with "All exterior walls shall be..." delete "crushed stone footings" and delete "wood foundations."

**15.04.3.25040 CRC Section R403.1.1 amended.**

In Section R403.1.1 of the California Residential Code, delete the sentence beginning with "Footings for wood foundations..." in its entirety.

**15.04.3.25045 CRC Section R403.1.3.1 amended.**

In Section R403.1.3.1 of the California Residential Code, at the end of the last sentence add, "and intermediate No. 4 bars shall be vertically spaced at a maximum distance of 18" on center."

**15.04.3.25050 CRC Section R403.1.3.6 deleted.**

Delete section R403.1.3.6 in its entirety.

**15.04.3.25055 CRC Section R403.1.6 amended.**

In Section R403.1.6 of the California Residential Code, replace the first sentence of the third paragraph starting with "Wood sole plates..." with the following:

"Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum  $\frac{5}{8}$ -inch-diameter (15.9 mm) anchor bolts spaced not greater than 4 feet (1219 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to  $\frac{5}{8}$ -inch-diameter (15.9 mm) anchor bolts."

**15.04.3.25060 CRC Section R403.1.6.1 amended.**

In Section R403.1.6.1 of the California Residential Code, delete items 3, 4 and 6 and replace Item 2 with the following:

2. Braced wall plates shall have anchor bolts spaced at not more than 4 feet (1219 mm) on center and located within 12 inches (305 mm) of the ends of each plate section where supported on a continuous foundation.

**15.04.3.25065 CRC Section R403.2 deleted.**

Delete Section R403.2 of the California Residential Code in its entirety.

**15.04.3.25070 CRC Section R403.4.1 deleted.**

Delete Section R403.4.1 of the California Residential Code in its entirety.

**15.04.3.25075 CRC Section 404.1.2.1 and Table R404.1.1(1) deleted.**

Delete Section 404.1.2.1 and Table R404.1.1 (1) of the California Residential Code in their entirety.

**15.04.3.25080 CRC Section R404.1.4.1 amended.**

In Section R404.1.4.1 of the California Residential Code, delete the last sentence of the first paragraph and the associated items 1 through 4 in their entirety.

**15.04.3.25085 CRC Section R404.1.4.2 amended.**

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.

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)..." in its entirety.

**15.04.3.25090 CRC Section R404.1.5.1 amended.**

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."

**15.04.3.25095 CRC Section R404.1.5.2 amended.**

In Section R404.1.5.2 of the California Residential Code, in the first sentence after "story above" add "or 6", whichever is greater."

**15.04.3.25100 CRC Sections R404.2 and Table R404.2.3 deleted.**

Delete Section R404.2 and Table R404.2.3 of the California Residential Code in their entirety.

**15.04.3.25105 CRC Section R405.2 deleted.**

Delete Section R405.2 of the California Residential Code in its entirety.

**15.04.3.25110 CRC Section R406.3 deleted.**

Delete Section R406.3 of the California Residential Code in its entirety.

**15.04.3.25115 CRC R506.3.3 amended.**

Add after the first sentence: "The use of topically applied moisture barriers to concrete slabs in conjunction with conversion of non-habitable spaces to habitable spaces provided the following are adhered to:

- a) The product's permeability is at most 0.09 perms for vapor transmission toward the habitable space, as tested according with ASTM E96, which is equivalent or better than that of 6-mil polyethylene (as tested with ASTM E1745).
- b) Technical documentation, supplied by the manufacturer, based on accredited independent laboratory testing, is provided clearly indicating the product's performance meet these criteria.
- c) The product is installed per its listing by qualified individuals and per the manufacturer's instructions and special inspection is conducted by a person knowledgeable and with demonstrated history of performing such inspections on the applications of such product.
- d) The owner agrees to hold the City of Oakland Harmless by completing and submitting a Hold harmless Agreement to be filed with the County Recorder against the parcel for a fee in accordance with the Oakland aster Fee Schedule.

**15.04.3.25115 CRC Section R606.4.4 amended.**

In Section R606.4.4 of the California Residential Code, delete the first and second sentence both starting with "Unreinforced" in their entirety.

**15.04.3.25120 CRC Section R702.3.6 amended.**

In Section R702.3.6 of the California Residential Code, at the end of the sixth sentence starting with "Gypsum board or gypsum panel products shall not be used...", add the following to the end of this sentence: "or in buildings in Seismic Design Categories Do, Di, or D 2 ."

**15.04.3.25125 CRC Appendix BG**

Adopt Appendix BG Sound Transmission, California Residential Code, in its entirety.

**15.04.3.25130 CRC Appendix BF**

Delete Appendix BF, Patio Covers, California Residential Code, in its entirety.



### **15.04.3.25135 CRC Appendix BJ**

Delete Appendix BJ, Strawbale Construction, California Residential Code, in its entirety.

### **15.04.3.25140 CRC Appendix CI**

Adopt Appendix CI, Swimming Pool Safety Act, California Residential Code, in its entirety.

### **15.04.3.25135 CRC Appendix CJ**

Adopt Appendix CJ Emergency Housing, California Building Code, with the following amendments:

Section CJ101.1 Scope. Add: "The provisions and standards set forth in the Appendix shall be applicable to emergency housing established pursuant to a declaration of state of emergency, local emergency, or shelter crisis as defined in Section N102, and located in or on designated City properties or properties leased by the City for emergency housing during the period of the declared state of emergency, local emergency, and/or shelter crisis."

Section CJ103.2.1 New additions, alterations, and change of occupancy. Add the following second Exception: "Change in occupancy shall not mandate conformance with new construction requirements set forth in the Oakland Building Construction Code, provided such change in occupancy meets the minimum standards set forth in this Appendix."

Section CJ104.6 Electrical.

For #1. Add "at 115 volts alternating current or low voltage."

For #1. Revise Exception to Read: "The source of electricity may be an emergency generator, if operated only until continuous power is restored or 72 hours, whichever is shorter, or renewable source of power such as solar or wind power."

For #3. Delete in entirety including associated Exception.

For #4. Revise to Read: "At least one GFCI-protected receptacle outlet for use by the occupant(s). Alternatively, cabins may be equipped with low voltage USB charging stations instead of Standard GFCI outlets."

Section CJ106.1 General. Revise the first sentence of the second paragraph so "...when it is found necessary..." shall read "...whenever it is found necessary...."

Section CJ110 Emergency Housing Facilities. Revise the title of this section to read: "Emergency Housing Facilities Sanitation Requirements."

Section CJ110.2 Kitchens. Replace entire section with the following:

"Kitchens and food facilities. Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980—114094.5 of the California Health and Safety Code."

Section CJ110.2 Toilet and bathing facilities. Add this sentence to the last paragraph: "This can include foot-pumped water at hand washing stations that are properly maintained."

## **Part 3 California Electrical Code Non-Administrative (Technical) Amendments**

### **15.04.3.3000 CEC Article 210.11 amended.**

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."

### **15.04.3.3005 Reserved.**

### **15.04.3.3010 CEC Article 230.2 amended.**

In Article 230.2 of the California Electrical Code, add Section F at end of section:

Add section (F):

"(F) Additional service (s) may be allowed for the purpose of supplying EV charging equipment."

### **15.04.3.3015 CEC Article 230.26 amended.**

In Article 230.26 of the California Electrical Code, add the following new paragraph:

"The service point of attachment may be installed on the building or structure wall facing the serving line or on a periscope fixed to the building's roof, usually not more than eighteen (18) inches in back of the wall facing the service line."

### **15.04.3.3020 CEC Article 230.28 amended.**

In Article 230.28 of the California Electrical Code, add the following new paragraph:

"Conduit for overhead service conductors 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."

### **15.04.3.3025 CEC Article 230.29 amended.**

In Article 230.29 of the California Electrical Code, add the following new paragraph:

"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."

**15.04.3.3030 CEC Article 230.43.**

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 buildings or structures. Rigid non-metallic conduit (schedule 80) shall be permitted to be installed for underground service lateral conductors outside the building where exposed to physical damage. Rigid non-metallic conduit (schedule 40) shall be permitted to be installed for underground service lateral conductors where not exposed to physical damage outside the building.

Termination cans or any equipment for service lateral conductors shall not encroach into the public way."

**15.04.3.3035 CEC Article 600.1 amended.**

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."

**15.04.3.3040 Reserved.**

**15.04.3.3045 CEC Article 760.1 amended.**

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."

**15.04.3.3070 Reserved.**

**Part 4 California Mechanical Code Non-Administrative (Technical) Amendments**

**15.04.3.4000 CMC Section 904.1 [amended].**

Subsection ("3") added.

"Each tenant or owner shall have access to their own mechanical heating equipment. A central Mechanical Room is permitted provided that each tenant or owner has access without being compelled to pass through another unit."

**15.04.3.4005 California Mechanical Code Appendixes B, C and G adopted.**

Adopt Appendix B "Procedures To Be Followed To Place Gas Equipment In Operation."

Useful tables is separate section

Adopt Appendix G Example Calculation of Outdoor Air Rate."

**15.04.3.4010 CMC Section 504 amended.**

In Section 504.4 of the California Mechanical Code, add the following sentence at the end of section:

"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."

**Part 5 California Plumbing Code Non-Administrative (Technical) Amendments**

**15.04.3.5000 CPC Section 504.1 [amended].**

Subsection ("3") added.

" Each tenant or owner shall have access to their own water heater and/or water heater controls. A central Mechanical Room is permitted provided that each tenant or owner has access without being compelled to pass through another unit."

**15.04.3.5005 CPC Section 604.1.2 [amended].**

Subsection ("5") added.

"(5) PEX shall only be used in installed in conjunction or contact with chemically compatible products. Upon request from the Building Official the installer shall furnish independent testing reports to demonstrate compliance with this requirement. PEX shall be protected from exposure to chemical agents that will either degrade the material or infiltrate into the potable water supply."

**15.04.3.5010 Reserved.**

**15.04.3.5015 CPC Section 713.2 deleted and replaced.**

Section 713.2 deleted and replaced with the following.

"Section 713.2.1 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 713.2.2 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.

Section 713.2.3 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.

Section 713.2.4 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.

Section 713.2.5 Modification or replacement of an existing private sewage disposal system for the purpose of increasing the existing capacity is prohibited."

**15.04.3.5020 CPC Sections 902.0, 908.2 and 911.0 deleted.**

Delete Sections 902.0, 908.2, and 911.0 of the California Plumbing Code in their entirety.

**15.04.3.5025 CPC Sections 1014.1.3, 1014.2.1, 1014.3.4, 1016.2 amended.**

In Section 1014.1.3 of the California Plumbing Code, add the following sentence at the end of the section:

"Commercial garbage or food waste grinders shall not be installed in produce markets, food markets or similar establishments."

In Section 1014.2.1, at the end of first paragraph, add the following sentence:

"Where the Building Official approves the use of a hydro-mechanical grease interceptor, it shall be sized to a one-minute drainage period using the formula found in table 1014.2.1."

In Section 1014.3.4, add the following new paragraph at the end of the section:

"A properly sized Gravity Interceptor shall be installed where space on site will accommodate the device. When installed in a Parking area, HS 20 rings and covers shall be provided. Where the grease line exceeds twenty-five feet prior to entering the Interceptor, Pretreatment shall be provided."

In Section 1016.2, add the following new paragraph at the end of the section:

"Sand/Oil Interceptors shall be installed at trash enclosures. The enclosure shall be equipped with a method to wash down the enclosure and the enclosure shall be designed to prevent run-off and run-on to ensure protection of the Storm and Sanitary sewers."

**15.04.3.5030 CPC Sections 912.0 amended**

In section 912.1, add the following text at the end of the section: "Listed Studor vents shall be permitted to be installed in outdoor sinks for venting purposes when installed as follows: Individual and branch studor vents shall be located not less than 4 inches (102 mm) above the horizontal branch drain or fixture drain being vented. Stack-type studor vents shall be located not less than 6 inches (152 mm) above the flood level rim of the highest fixture being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent."

**15.04.3.5030 CPC Section 1213.3 amended.**

In Section 1213.3 of the California Plumbing Code, add the following in the third sentence between welded piping and for piping carrying gas, "piping two inches and larger."

**15.04.3.5035 CPC Appendix A adopted.**

Adopt Appendix A of the California Plumbing Code in its entirety.

**15.04.3.5040 CPC Appendix B adopted.**

Adopt Appendix B of the California Plumbing Code in its entirety.

**15.04.3.5045 CPC Appendix D adopted.**

Adopt Appendix D of the California Plumbing Code in its entirety.

**15.04.3.5050 CPC Appendix D, part D added.**

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 Rainwater 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.

**15.04.3.5055 CPC Appendix I adopted.**

CPC Appendix I adopt IS 31-2022, IS 33-2019 and TCNA-2022 Handbook in their entirety.

## **Part 7 California Wildland-Urban Interface Code**

### **Non-Administrative (Technical) Amendments**

#### **15.04.3.7000 California Wildland-Urban Interface Code Section 101.3.1 amended**

In Section 101.3.1 of the California Wildland-Urban Interface Code, after "New Buildings located in any Fire Hazard Severity Zone or Wildland-Urban Interface (WUI) Fire Area designed by the enforcing agency constructed after the application date shall comply with the provisions of this code" add "and provisions as set forth in City of Oakland Fire Code Amendments OMC 15.12 Section 4904 - Oakland Very High Fire Hazard Zone".

#### **15.04.3.7005 Wildland Urban Interface Code.**

RESERVED

## **Part 8 - California Historical Building Code Non-Administrative (Technical) Amendments**

#### **15.04.3.8000 – Reserved**

## **Part 10 California Existing Building Code**

### **Non-Administrative (Technical) Amendments**

#### **15.04.3.10000 CEBC Section 301.6 added.**

Add a new Section 301.6 of the California Existing Building Code stating:

"301.6 Maintenance 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."

## **Part 12 - California Referenced Standards Code Non-Administrative (Technical) Amendments**

#### **15.04.3.12000 – Reserved**

**D. Filing.**

Upon final passage of this Ordinance, the Building Official of the City of Oakland is hereby directed to file a copy of this Ordinance adopting local amendments to the 2025 editions of the California Model Building Construction Codes, along with a copy of said companion Resolution of Findings, with the California Building Standards Commission before September 30, 2025, pursuant to the applicable provisions of State law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:\_\_\_\_\_

ASHA REED

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



## **NOTICE AND DIGEST**

**AN EMERGENCY ORDINANCE (1) REPEALING THE OAKLAND AMENDMENTS TO THE 2022 EDITION OF THE CALIFORNIA MODEL BUILDING CONSTRUCTION CODES, (2) ADOPTING LOCAL AMENDMENTS TO THE 2025 EDITION OF THE CALIFORNIA MODEL BUILDING CONSTRUCTION CODES, (3) AMENDING OAKLAND MUNICIPAL CODE (“O.M.C.”) CHAPTER 15.04 TO COMPLY WITH CHANGES TO STATE LAW, AND (4) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS**

This Ordinance serves to repeal the Oakland Amendments to the 2022 Edition of the California Building Standards Code, while also adopting local amendments the 2025 Edition of the California Building Standards Code, and amending Oakland Municipal Code Chapter 15.04 to comply with changes in State law. The Council also found that the above actions are exempt from the California Environmental Quality Act (“CEQA”).