



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 26 PM 3:03

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Supplemental Report, Local Amendments to
2013 California Model Building Construction Codes

DATE: June 24, 2014

City Administrator
Approval

Date

6/26/14

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council adopt:

An Ordinance To Amend And Restate Ordinance No. 13200 C.M.S., Adopted November 19, 2013, To Revise The Local Amendments To The 2013 Editions Of The California Building Standards Code (Title 24, California Code Of Regulations) And Amendments To Oakland Municipal Code Chapter 15.04 To Incorporate Modified Requirements For Seismic Retrofitting When There Is A Change Of Occupancy In Existing Buildings And Other Modifications

REASON FOR SUPPLEMENTAL

On June 24, 2014, after discussion and consideration of this item at the Community & Economic Development Committee meeting, the Committee members voted to approve the recommendation of staff and forward the recommendation to the full Council, and requested that staff prepare a Supplemental Agenda Report to more clearly describe the existing local amendments, the proposed revisions to those amendments, and the resulting impacts.

ANALYSIS

The eight revisions to the local amendments proposed by staff are discussed in more detail below (added language is depicted in underline, and deleted language is depicted in ~~strikethrough~~).

Item: _____
City Council
July 1, 2014

1. PROPOSED REVISION RELATED TO SAFETY GLAZING REQUIREMENTS ADJACENT TO BATHTUBS, SHOWERS AND POOLS.

- A. **Description of Existing Code Sections:** OMC section 15.04.677 (which amends Item 5 of California Building Code (“CBC”) Section 2406.5), and OMC section 15.04.1035 (which amends Section R308.4.5 of the California Residential Code) made the following revisions related to safety glazing requirements adjacent to bathtubs, showers and pools.

Glazing and wet surfaces. Glazing in walls, enclosures or fences containing or facing hot tubs, spas, whirlpools, saunas, steam rooms, bathtubs, showers and indoor or outdoor swimming pools or within 3 feet measured horizontally of such fixtures or compartments where the bottom exposed edge of the glazing is less than 60 inches (1524mm) measured vertically above any standing or walking surface shall be considered a hazardous location. This shall apply to single glazing and all panes in multiple glazing.

- B. **Proposed Revision:** Staff seeks to delete OMC sections 15.04.677 and 15.04.1035, which would result in deletion of the underlined language, above.
- C. **Impact of Proposed Revision:** The existing local amendments related to safety glazing requirements adjacent to bathtubs, showers and pools are less restrictive than the 2013 CBC. Adoption of this proposed revision will bring the City’s Building Code into compliance with State law, since local amendments are required to be at least as restrictive as State law.

2. PROPOSED REVISIONS TO ALLOW FOR THE REPLACEMENT OF EXISTING MATERIALS UNLESS REPLACEMENT CONFLICTS WITH OTHER REQUIREMENTS OF THE OMC.

- A. **Description of Existing Code Sections:** OMC section 15.04.683 (which amends Section 3401.4.1 of the CBC), OMC section 15.04.686 (which amends Section 15.04.686 of the CBC), and OMC section 15.04.687 (which amends Section 3405.1.2 of the CBC) made the following revisions related to replacement of existing materials.

~~Replacement~~, retention and extension of original materials. Local ordinances or regulations shall permit the ~~replacement~~, retention and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction and the building or accessory structure

Item: _____
City Council
July 1, 2014

does not become or continue to be a substandard building. For additional information, see Health and Safety Code Sections 17912, 17920.3, 17922(d), 17922.3, 17958.8 and 17958.9.

- B. **Proposed Revision:** Staff seeks to delete OMC sections 15.04.683, 15.04.686, and 15.04.687, which would result in replacement of the language depicted in strikethrough, above.
- C. **Impact of Proposed Revision:** Adoption of this proposed revision will allow for the replacement of existing materials unless replacement conflicts with other requirements of the OMC.

3. **PROPOSED REVISIONS TO ALLOW FOR SOME DISCRETION BY THE BUILDING OFFICIAL IN DETERMINING THE REQUIREMENTS WHEN A CHANGE OF OCCUPANCY IS PROPOSED FOR AN EXISTING BUILDING.**

- A. **Description of Existing Code Sections:** OMC section 15.04.689 (which amends Section 3408.1 of the CBC) made the following revisions, which allowed for some discretion by the Building Official in determining the requirements when a change of occupancy is proposed for an existing building.

Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. ~~Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.~~

- B. **Proposed Revision:** Staff seeks to delete OMC section 15.04.689, which would result in replacement of the language depicted in strikethrough, above.
- C. **Impact of Proposed Revision:** Adoption of this proposed revision will allow the Building Official to have some discretion in determining the requirements when a change of occupancy is proposed for an existing building.

4. **PROPOSED REVISIONS TO ALLOW FOR THE CONTINUED USE OF EXISTING STAIRS WHEN ALLOWED BY THE BUILDING CODE.**

- A. **Description of Existing Code Section:** OMC section 15.04.690 (which amends Sections 3408.3 and 3412 of the CBC) made the following revisions related to the continued of existing stairways.

Item: _____
City Council
July 1, 2014

~~Stairways. Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.~~

- B. **Proposed Revision:** Staff seeks to revise OMC section 15.04.690 so it only amends Section 3412 of the CBC (and not Section 3408.3 of the CBC), which would result in replacement of the language depicted in strikethrough, above, in Section 3408.3 of the CBC.
- C. **Impact of Proposed Revision:** Adoption of this proposed revision will allow for the continued use of existing stairways when allowed by the Building Code.

5. **PROPOSED REVISION TO MODIFY THE SEISMIC REQUIREMENTS WHEN A CHANGE OF OCCUPANCY IS PROPOSED IN AN EXISTING BUILDING.**

- A. **Description of Existing Code Section:** OMC section 15.04.691 (which amends Section 3408.4 of the CBC) made the following revisions to language related to seismic requirements when a change of occupancy is proposed in an existing building.

~~Seismic. When a change of occupancy results in a structure being reclassified to a higher risk category, the structure shall conform to the seismic requirements for a new structure of the higher risk category. When a change is made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, the structure shall conform to the seismic requirements for a new structure.~~

- B. **Proposed Revision:** Staff seeks to revise OMC section 15.04.691 by reinstating section 3408.4 of the CBC (which would result in replacement of the language depicted in strikethrough, above, and deletion of the underlined language, above) and adding the following new subsection 3408.4.1:

In addition to the other requirements of this code, when a Change in Occupancy results in an increase of more than 10 percent in the occupant load of the entire building or structure, and which also increases the occupant load by more than 100 persons as compared to the occupant load of the existing legal use or the use for which the building was originally designed, the structure shall be designed for seismic forces of not less than 75 percent of those given in Section 1613 of the California Building Code.

- C. **Impact of Proposed Revision:** Adoption of this proposed revision will modify the seismic requirements when a change of occupancy is proposed in an existing building.

Item: _____
City Council
July 1, 2014

6. **PROPOSED REVISION TO INCLUDE CRITERIA FOR VIRTUAL INSPECTIONS.**

- A. **Description of Existing Code Section:** OMC section 15.04.152 (which amends Section 110.3 of Chapter 1 of the CBC) made the following revisions related to virtual inspections.

110.3.11 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.

- B. **Proposed Revision:** Staff seeks to revise OMC section 15.04.152 by adding the following new subsection 110.3.12:

110.3.12 Virtual Inspections

Photographs may, with prior approval, be submitted in lieu of inspections for certain correction items that are not life safety in nature and do not require three dimensional inspections to verify compliance. The acceptance of photographic evidence of corrections is the discretion of the Building Inspector of record and approval by the Building Official.

- C. **Impact of Proposed Revision:** Adoption of this proposed revision will add criteria for Virtual Inspections.

7. **PROPOSED REVISION TO MAKE AMENDMENTS TO THE RESIDENTIAL CODE CONSISTENT WITH AMENDMENTS TO THE BUILDING CODE**

- A. **Description of Existing Code Section:** N/A

- B. **Proposed Revision:** Staff seeks to add OMC section 15.04.1005 as follows:

OMC 15.04.1005.

In section R105.2 of Chapter 1 of the California Residential Code, delete all references to Electrical, Gas, Mechanical, and Plumbing in their entirety, and also replace subparagraph number 2 in its entirety with the following:

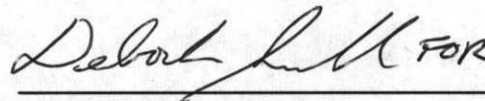
Item: _____
City Council
July 1, 2014

“Concrete or masonry fences not over 3 feet high and fences constructed of other materials when not over 6 feet high.”

- C. **Impact of Proposed Revision:** Adoption of this proposed revision will make amendments to the Residential Code consistent with amendments to the Building Code.
8. **PROPOSED REVISION TO CHANGE ALL REFERENCES IN OMC CHAPTER 18B TO “CITY ENGINEER” TO “BUILDING OFFICIAL”**
- A. **Description of Existing Code Section:** OMC section 15.04.666 (which amends Chapter 18 in the CBC).
- B. **Proposed Revision:** Staff seeks to revise OMC section 15.04.666 by changing all references to the “City Engineer” in OMC Chapter 18B (Grading, Excavations and Fills) to the “Building Official.”
- C. **Impact of Proposed Revision:** Adoption of this proposed revision will better reflect current business practices in the City of Oakland.

For questions regarding this report please contact Deborah Sandercock, Deputy Director, 510-238-6435.

Respectfully submitted,



Rachel Flynn, Director
Planning and Building Department

Item: _____
City Council
July 1, 2014