

## ORDINANCE NO. 7,433-N.S.

ADDING SECTION 19.28.090 TO THE BERKELEY MUNICIPAL CODE CHAPTER 19.28 (BERKELEY BUILDING CODE) REGARDING THE CONSTRUCTION OF WEATHER-EXPOSED BUILDING ELEMENTS EXTENDING BEYOND EXTERIOR WALLS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Article 8 of the Berkeley Building Code is added to read as follows:

**Article 8. Construction of Exterior Appurtenances**  
**19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances**

**Chapter 12** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 1203.6 Ventilation of weather exposed enclosed assemblies.** Balconies, landings, decks, stairs and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150<sup>th</sup> of the area of the space ventilated. Ventilation openings shall comply with Section 1203.2.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

**Exceptions:**

1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

**Chapter 14** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 1404.13 Projections exposed to weather.** Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g., galvanized) steel, or similar approved materials.

**Chapter 23** of the 2013 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

**Section 2304.11.3 Laminated timbers.** The portions of glued-laminated timbers that form the structural supports of a building, or other structure, projecting element, or appurtenance and are exposed to weather and not fully protected from moisture by a

~~roof, eave or similar covering~~ shall be pressure treated with preservative or be manufactured from naturally durable or preservative-treated wood.

**Section 2304.11.4.2 Wood structural members.** Wood structural members that support moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative-treated wood ~~unless and shall be~~ separated from such floors or roofs by an impervious moisture barrier.

**Section 2304.11.5 Supporting members for permanent appurtenances.** Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances where such members are exposed to the weather ~~without adequate protection for a roof, eave, overhang or other covering to prevent moisture or water accumulation on the surface or at joints between members.~~

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 14, 2015, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

ORDINANCE NO. 7,434-N.S.

ADDING A NEW SECTION 19.40.035 TO THE BERKELEY MUNICIPAL CODE CHAPTER 19.40 (BERKELEY HOUSING CODE) TO REQUIRE INSPECTION AND CERTIFICATION OF WEATHER-EXPOSED ELEVATED ELEMENTS EVERY THREE YEARS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 19.40.035 of the Berkeley Municipal Code is added to read as follows:

**19.40.035 Section 601.4 of the Berkeley Housing Code**

**601.4 Structural Maintenance.** All exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every three years thereafter, by a licensed general contractor, structural pest control licensee, licensed architect, or licensed engineer, verifying that the elements are in general safe condition, adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Property owners shall provide proof of compliance with this section by submitting an affidavit form provided by the City. The affidavit shall be signed by the responsible inspecting party and submitted to the Housing Code Enforcement Office. For the purpose of this section, elevated "weather-exposed areas" mean those areas which are not interior building areas and are located more than 30 inches above adjacent grade.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

ORDINANCE NO. 7,435-N.S.

ADDING A NEW SECTION 12.48.055 TO THE BERKELEY MUNICIPAL CODE CHAPTER 12.48 (RESIDENTIAL RENTAL HOUSING SAFETY PROGRAM) TO REQUIRE INSPECTION AND CERTIFICATION OF WEATHER-EXPOSED ELEVATED ELEMENTS EVERY THREE YEARS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 12.48.055 of the Berkeley Municipal Code is added to read as follows:

**12.48.055 Inspection and certification of weather-exposed elevated elements extending beyond exterior walls**

All owners of apartment houses and hotels shall cause an inspection of all weather-exposed elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof within six months of adoption of this section, and every three years thereafter, by a licensed general contractor, structural pest control licensee, licensed architect, or licensed engineer to verify that the elements are in general safe condition, adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Property owners shall provide proof of compliance with this section by submitting an affidavit form provided by the City. The affidavit shall be signed by the responsible inspecting party and submitted to the Housing Code Enforcement Office. For purposes of this section, "weather-exposed elevated elements" mean those areas which are not interior building areas and are located more than 30 inches above adjacent grade. Newly constructed residential buildings shall be exempt for a period of three years following issuance of the Certificate of Occupancy for such buildings.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.