



Berkeley Proposes Strict Balcony Rules in Wake of 6 Deaths, if Passed Could Be 'Strictest in the State'

**By Lisa Fernandez
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In the wake of last month's deadly balcony collapse, the Berkeley City Council is poised to consider a host of new rules on Tuesday – from requiring stricter building materials to inspections every five years.

If Berkeley adopts all the proposals, City Councilman Jesse Arreguin said that the package of regulations could be "the strictest in the state."

The "urgency ordinances" come on the heels of an international tragedy, when a balcony collapsed June 16 at 2020 Kittredge Street, killing six students and injuring seven others who were celebrating a 21st birthday party. City inspectors determined the cantilevered balcony joints had completely sheared off because of dry rot.

At the same time in the state Legislature, Calif. Senators Jerry Hill and Loni Hancock on Tuesday are holding a hearing on SB 465 that would require disclosure to regulators of legal settlements in cases alleging construction defects and negligence. The contractor in the Berkeley balcony case, Segue Construction, had paid out \$26.5 million in the past three years to settle lawsuits involving its balconies - a fact the state board of construction licensing was unaware of.

Planning and Development Director Eric Angstadt proposed seven new ordinances – all of which would "require more stringent regulations than those provided" by the 2013 California building code. State codes provide for minimum "uniform standards to safeguard the public health," but the city of Berkeley has the authority to make those rules stricter and provide a "higher level of safety," he wrote.

Specifically, the ordinances call for mandating inspections and certifications every five years for balconies and "building elements" that are exposed to weather and are elevated above the ground. As of now, there is no law in Berkeley that mandates balconies be periodically inspected.

No one has formally come out against any of the proposals, according to a search of City Hall records.

Rachel Miller, a senior partner at the Miller Law Firm in San Francisco, which specializes in construction defects, told NBC Bay Area on Monday that she supports the overall idea of stricter regulations for balconies. But she thought yearly inspections would be better than ones every five years. "Dry rot can rapidly eat away at building components once it sets in," she said.

Aside from wanting a more rigid inspection timeline, Miller wondered aloud how Berkeley would pay and enforce these regulations? As it stands, the city's Housing Code Enforcement office will have the burden of making sure the building owners comply. "Cities are strapped," she said.

In addition, Arreguin recommended that Berkeley require a waterproofing inspection on balconies, which doesn't exist now, and also send a letter to the California Building Standards Commission to urge the agency to update state building codes to require steel reinforcement of balconies in all new balcony designs. He also is proposing that building owners with balconies not supported by steel provide a disclosure about them to tenants, and that signs be required to be posted on or near balconies specifying the maximum weight capacity.

Berkeley is in need of all these new rules, Angstadt said, because of the city's marine weather near the San Francisco Bay and high humidity causes dry rot.

At the same time, Berkeley is experiencing a high number of permit submittals for new buildings, which include balconies, and, as Angstadt urged, "It is imperative that the code amendments be adopted and become effective as soon as possible for the increased preservation of public health and safety."