



EXTERIOR ELEVATED ELEMENTS INSPECTION PROGRAM **FREQUENTLY ASKED QUESTIONS**

Planning & Development Department
Building & Safety Division
E3 Inspection Program

1. What are “Exterior Elevated Elements” (E3)?

Exterior Elevated Elements are all elevated decks, balconies, landings, stairway systems, walkways, guardrails, handrails, or any parts thereof that are exposed to weather and with a walking surface more than 6 feet above grade/ground. This program applies only to wood-framed and steel-framed exterior elevated elements and not to concrete elements.

2. I’ve never had this inspection before. When did this become a requirement?

This requirement was initially passed by the Berkeley City Council on July 14, 2015 and updated January 1, 2023 in accordance with State legislation.

3. By when are inspections required?

Owners of buildings with three or more dwelling units or sleeping units need to have the exterior elevated elements of their buildings inspected by a licensed or certified professional who will submit an Inspection Certification form by the designated deadline for each inspection cycle. Per Berkeley Municipal Code 19.40.040, cyclical inspections shall be completed by March 31, 2022 and every six years thereafter for multifamily rental properties. Condominium projects with exterior elevated elements containing three or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years. If your building does not have exterior elevated elements, but you have received a notice, please submit an Exemption Declaration form.

4. Does this inspection requirement apply to my building?

The requirement applies to all residential buildings with three or more sleeping or dwelling units. This includes:

- Apartment houses, tenants in common and live/work units
- Condominium projects
- Dormitories, fraternities, sororities, convents and monasteries
- Hotels, motels and vacation timeshare properties, boarding houses and congregate residences (transient with more than 10 occupants and nontransient with more than 16 occupants)
- Residential Assisted Living Facilities and Social Rehabilitation Residential Facilities

5. Is there a fee associated with the E3 Inspection Program?

Yes, there is an E3 Inspection Program fee associated with every 6 or 9-year cycle. Multi-family buildings subject to BMC 19.40.040 (excluding condominiums) will be billed \$375 every six years and condominium projects will be billed \$750 every 9 years.

6. Who are considered “licensed or certified professionals”?

Inspection of condominium projects must be conducted by licensed structural engineers and architects. Inspection of all other buildings subject to E3 Inspection requirements shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections.

All professionals must have current and clear licensure or certification in the State of California.

- Licensed structural engineers (<http://www.bpelsg.ca.gov/>)
- Licensed architects (<http://www.cab.ca.gov/>)
- Licensed civil engineers (<http://www.bpelsg.ca.gov/>)
- Licensed general contractors (<http://www.cslb.ca.gov/>)
- Type B Certified Building Inspectors (excluding City of Berkeley employees) (<https://www.iccsafe.org/verify>)
- Building Officials (excluding City of Berkeley employees) (<https://www.iccsafe.org/verify>)

7. I live in a multi-unit residential building with many balconies. Are the balconies in my building safe?

The balconies in your building were built in conformance to the Building Code requirements which were in effect at the time of original construction. The purpose and intent of the Building Code has always been life safety. To ascertain that the balcony supports have not been compromised over the years, the Exterior Elevated Elements Program require that all balconies be periodically inspected.

8. I live in a recently constructed building. Are the balconies in my building required to be inspected?

For newly constructed residential buildings, inspections shall occur no later than six years following issuance of the Certificate of Occupancy.

9. What needs to be inspected to satisfy the inspection requirement?

Per California Health and Safety Code Section [17973](#), the inspection of buildings subject to E3 Inspection Program requirements (excluding condominium projects) shall at a minimum include:

- A. Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.
- B. Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. A sample of at least 15 percent of each type of exterior elevated element shall be inspected.
- C. The evaluation and assessment shall address each of the following as of the date of the evaluation:
 - The current condition of the exterior elevated elements.
 - Expectations of future performance and projected service life.
 - Recommendations of any further inspection necessary.

All exterior elevated elements need to be inspected. Once the inspection(s) has been completed, the licensed or certified professional will complete an Inspection Certification form and submit it to the Housing Code Enforcement office to satisfy the inspection requirement (provided no repair work is required).

10. Are inspection requirements for condominium projects different?

Yes, inspection requirements for condominium projects are different than other multi-family buildings and must comply with California Civil Code Section [5551](#).

- A. At least once every nine years, a reasonably competent and diligent visual inspection shall be conducted by a licensed structural engineer or architect of a random and statistically significant sample of exterior elevated elements.
 - A “statistically significant sample” means a sufficient number of units inspected to provide 95 percent confidence that the results from the sample are reflective of the whole, with a margin of error of no greater than plus or minus 5 percent.
- B. The inspection shall determine whether the exterior elevated elements are in a generally safe condition and performing in accordance with applicable standards.
- C. Prior to conducting the first visual inspection, the inspector shall generate a random list of the locations of each type of exterior elevated element. The list shall be provided to the association for future use.
- D. The inspector shall perform the visual inspections in accordance with the random list generated.
 - If during the visual inspection the inspector observes building conditions indicating that unintended water or water vapor has passed into the associated waterproofing system, thereby creating the potential for damage to the load-bearing components, then the inspector may conduct a further inspection.
 - The inspector shall exercise their best professional judgment in determining the necessity, scope, and breadth of any further inspection.

11. Are there additional resources available to assist licensed and certified professionals performing E3 inspections?

See the Exterior Elevated Elements Inspection Guidelines for best practices regarding inspection and certification requirements, and guidance related to investigative openings.

12. Is forensic investigation or probing required for inspection of open framing?

This will depend on the licensed or certified professional the property owner hires to conduct the inspection(s) and the observed conditions. The expectation of the City is for the licensed or certified professional to collect that information necessary for the licensed professional to complete and sign the Inspection Certification.

13. Will invasive or destructive investigation be needed?

If the framing elements are visible and accessible, destructive investigation may not be necessary. If the framing is concealed, the licensed or certified professional may need to cut openings in the soffits, other exterior finishes and possibly interior finishes to expose framing elements and assess the observed conditions.

14. What can I do so invasive or destructive investigation is not required next time this inspection is required?

Property owners may wish to consider having vents or access panels installed at the locations of the investigative openings created in the course of the initial inspection(s). Access panels or vents will enable future inspections to be conducted with relative ease. This work will require a permit.

15. How much of the stucco soffit will need to be opened up?

For the most part this is left to the discretion of the licensed or certified professional hired to conduct the inspections.

- A. To enable verification of the conditions at the enclosed framing, the licensed or certified professional hired to conduct the inspections will likely create some investigative openings on the underside of the soffits of sufficient size to assess the framing conditions. The openings will need to be created at the locations where moisture is most likely to penetrate into the enclosed framing cavities; typically at the intersection with the exterior wall plane, at the outer edge, under the guardrail posts, under the built-in gutters, etc.
- B. If the owner also desires that the enclosed balconies/decks be retrofitted to facilitate cross-ventilation of the enclosed cavities and to provide access for future inspections, continuous strip vents would need to be installed on at least two sides of the enclosed soffits perpendicular to the direction of the framing elements. This will facilitate cross flow of air within each enclosed cavity. At least one side would have to be provided with a continuous removable soffit vent 4 inches minimum in width, which will have an added benefit of facilitating future inspections.

16. My deck is only a few feet off of the ground. Does it still need to be inspected?

If the exterior elevated element is more than 6 feet above grade/ground, the Inspection Certification is required.

17. My exterior elevated element is covered and only has one side open to the outside. Does the Inspection Certification requirement still apply?

Yes, if the exterior elevated wood-framed and steel-framed deck, balcony, landing, stairway system, walkway, guardrail or handrail is exposed to the weather from any side. If the rain can fall upon the surface, or if the moisture can accumulate on the surface or at the joints or intersections, you must complete the Inspection Certification form.

18. My exterior elevated element is cosmetic only. Does this apply to me?

If the exterior elevated element can be used as a walking or standing surface and is more than 6 feet above grade/ground, then YES, the inspection requirement does apply.

19. Do fire escapes need to be inspected?

Not under this program. Fire escapes are inspected every five years by the Berkeley Fire Department as part of [fire prevention inspections](#) and do not need to be included in Exterior Elevated Elements inspection program.

20. The exterior of the building is a fire rated assembly. What if the fire rated assembly is compromised during the inspection process?

You are required to maintain the integrity of all fire-resistive rated assemblies and restore all disturbed elements/membranes following completion of the investigation with the exception of soffit vents, which may be provided on the underside of the projecting elements.

21. If I decide to install a vent in a horizontal fire-rated soffit assembly, is the vent required to be fire-protected?

No, as long as the vent is located at least 5 feet from the side or rear property lines and the building is not located in the Wildland-Urban Interface (WUI) zone.

22. Are there any special requirements for inspections in the Fire Zones?

The inspection requirements are the same but the vents, if installed, would have to meet special requirements of California Building Code Section 706A.

20. The Building Code does not specify ventilation requirements (soffit vents) for concealed exterior balconies, decks, egress balconies, similar projecting elements. Should ventilation requirements for attics or enclosed roof rafters be followed?

On July 14, 2015, the Berkeley City Council adopted an amendment to the California Building Code (BMC Chapter 19.28.090 Section 1203.6), which requires that balconies, decks and similar exterior projecting elements exposed to the weather and sealed underneath shall be provided with cross ventilation for each separate enclosed space by ventilation openings with the net free area of not less than 1/150th of the area of the space being ventilated.

21. Are soffit vents allowed in exterior balconies and similar projections when the fire-resistance rated protection of the balcony is required?

Yes, soffit vents are allowed in balconies and similar floor projections which are required to be of fire-resistance rated construction based on the building construction type.

22. How do ventilation opening requirements differ for projecting elements located in close proximity to private property lines?

Soffit vents, where provided, shall be located at least five or more feet from the side or rear private property lines.

23. How do ventilation opening requirements differ for projecting elements facing public ways?

For the purpose of determining fire separation distances, the centerline of a public way is considered as a property line. Therefore, soffit vents at concealed balconies/decks facing on public ways are permitted.

24. Do I need a permit to perform an investigation?

No, exploratory work for investigative purposes is exempt from permit requirements.

25. Do I need a permit to repair my balcony or stairway?

This depends on the nature of the repairs.

- Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.
- Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

26. How can I improve the waterproofing of my existing deck?

Consult with a waterproofing specialist.

27. If I want to rebuild a balcony, will it need zoning review?

Yes, Zoning will need to review building plans. Per BMC Section 23C.04.075 *Exemptions for Public Safety Structural Alterations to Conforming and Non-conforming Buildings*, Zoning can conduct design review at the staff level concurrently with building permit review.

28. What if I have a balcony close to the setback and would like to rebuild it?

Per BMC Section 23C.04.075 *Exemptions for Public Safety Structural Alterations to Conforming and Non-conforming Buildings*, alterations of structures that do not conform to required setbacks are allowed to be reconstructed if it is the result of a public safety issue.

29. What if property owners want to eliminate balconies completely?

If owners want to completely eliminate a balcony, Zoning must first determine if the balcony was used to meet the open space requirement for the subject property. If yes, an in lieu fee may be paid to offset the loss of the required open space. Staff level design review may also be required to address the manner in which the facade will be modified by the removal of the balcony.

30. Can existing materials or designs be used?

Pursuant to California Building Code Chapter 34, replacement or retention of original materials and the use of original methods of construction is permitted provided such materials or methods complied with the building code provisions in effect at the time of original construction. Complete replacements will require conformance to current code requirements.

31. What are the consequences if I do not turn in a certification form for my property?

Code enforcement proceedings under BMC Chapter 19.40 will be initiated against property owners who do not file an Inspection Certification or complete corrective work within the prescribed period of time.

32. Why have I received this notice? My building does not have any exterior elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, guardrails or handrails.

Please submit the Exemption Declaration.

33. Who is exempt from the E3 inspection requirement?

Single family homes, duplexes, commercial and industrial properties without residential units or with two or fewer residential units.

34. My property does not have rental units. Does this apply to me?

Yes, if there are three or more residential units in the building.

35. I own and live in a residential condominium, does this apply to me?

Condominiums must be inspected every nine years. Per Berkeley Municipal Code 19.40.040, condominium projects containing three or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years thereafter.

36. How should I go about hiring a licensed or certified professional?

You can visit the following websites:

- Contractor’s State Licensing Board at:
http://www.cslb.ca.gov/Consumers/Hire_A_Contractor/ for information on hiring a general contractor.

- California Architect's Board Guide to Finding an Architect:
http://www.cab.ca.gov/pdf/publications/consumers_guide.pdf
Find an architect: <https://architectfinder.aia.org/>
- Board for Professional Engineers, Land Surveyors and Geologists Consumer Guide:
http://www.bpelsg.ca.gov/pubs/consumer_guide.pdf or
http://www.bpelsg.ca.gov/consumers/lic_lookup.shtml
- International Code Council (Certified Building Inspectors, ICC B5 or equivalent; Certified Building Officials, ICC CB or equivalent): <https://www.iccsafe.org/verify>

37. Will permit fees be waived for repairs to exterior elevated elements?

Permit fees cannot be waived without a "fee waiver" resolution from the City Council.

38. Railing systems in older buildings often do not meet current code requirements. Are they subject to repair or replacement if no rot or similar deterioration is present?

Materials and systems already in use, which were in compliance with the code requirements in effect at the time of their installation, are permitted to remain in use. Conditions that do not meet the requirements of the current code do not, of themselves, constitute an unsafe condition.

39. If work is required, will I have to submit the inspection certification form twice?

Yes, if the repair is required but cannot be performed by the designated deadline for the 6-year or 9-year inspection cycle. The first filing, which needs to be submitted by the designated deadline, is to notify the City that the exterior elements have been inspected and that corrective work was required. The subsequent second filing is to notify the City that all corrective work has been performed.

No, if the required work is performed prior to the designated deadline for the 6-year or 9-year inspection cycle, and the Inspection Certification is submitted to the City following completion of the work.

40. What if my stairway is made of concrete, but has metal railings? Do I need to have it inspected?

Concrete stairs with metal rails are exempt. However, if the exterior concrete stairs are connected to wood framing, the condition of wood framing at the connection of the stairs would need to be inspected for signs of hazardous deterioration, decay or similar damage.