

What is eligible for the Amnesty Program?

The Amnesty Program will allow undocumented construction work within the City of Alameda completed prior to the current code adoption date (January 1, 2008) to be approved by the City. Anyone who voluntarily applies to the Amnesty Program may have the undocumented construction at their property recognized by the City provided that the work and materials comply with all minimum program and code requirements.

What is undocumented construction work?

Undocumented construction work is any construction work completed at a property for which no City permit(s) were obtained or for which no permit records exist. This includes large jobs such as room additions, kitchen remodels, or small jobs such as adding plumbing for an additional sink. This also includes undocumented dwelling units.

What Zoning and Building Codes must be complied with?

It will be necessary for the undocumented construction to comply with all Zoning and Building Codes and City Charter regulations in effect at the time of the original construction. The first step in the Amnesty Program application process is the establishment of the date of the undocumented construction. Through a combination of physical inspection and review of available evidence, the Building Official will establish the presumed date of construction for the undocumented construction. Please see attached information sheets regarding ceiling heights and window requirements.

Will the City need to perform any inspections as part of the program enrollment process?

Yes, a major part of the program will be the inspection of the undocumented construction by a City Inspector to determine whether any health or life safety violations exist that needs to be corrected. The property owner must consent to inspection as a condition of participating in this program.

How quickly must corrective work be completed?

Extreme health and life safety violations will be required to be corrected within thirty (30) days. All necessary Building Permits and Zoning approvals must be obtained for the correction of other minor violations and any other work necessary to legalize the undocumented construction within one year from the program enrollment date. All necessary construction must be completed within one year from the date the correction permits are issued.

Is it possible to “back out” of the program?

It would be possible to “back out” of the program prior to the time that the undocumented construction is inspected by the City to determine whether there are any health or life safety violations that required correction. Potential program applicants are encouraged to participate in pre-qualification conferences/discussions with City staff to educate and inform themselves of their rights and obligations once they enroll into the program so that they may make informed decisions.

Will any permit fees or development fees need to be paid as part of the Amnesty Program?

Yes. Any City permit fees or development fees in effect at the time of the original construction and that would have been applicable to the construction would need to be paid. The amount of the required fee would be based upon the current schedule of fees. Anyone who voluntarily enrolls into the Amnesty Program would be exempt from all investigative fees.

Will it be necessary to prepare any building plans?

It is necessary to prepare a fully dimensioned plot plan and floor plan(s) of the existing building. The plot plan and floor must be drawn to scale. Please see attached submittal checklist.

What happens if a property is sold after enrollment in the program?

Prior to any property sale or transfer of title, the City will require all necessary permits for the necessary repair or correction work to be obtained by the seller. Prior to the final close of escrow, the seller would need to transfer the permits to the new owner. The new owner would then be responsible for completion of all the necessary correction work.

PROCEDURES

1. Complete and submit "Application for Amnesty Program."
 - a. All applicable items on "Undocumented Construction Submittal Checklist" must be submitted with the application.
 - b. Fee of \$40.00 to be submitted at the time of application.
2. The Building Official will review the application and determine if the application can be approved for the program.
 - a. If Approved – staff will contact applicant to pay remainder fee of \$210.00 to set up the Inspection.
 - b. If Denied – further processing ceases and applicant is advised of reasons for denial and possible options
3. Inspection: A mutually agreeable date and time will be set for City staff to conduct an inspection of the subject property to:
 - a. Determine date of construction if necessary
 - b. Identify all zoning, health and life safety issues that need to be resolved in order for the City to recognize the undocumented construction
 - c. Inspections are conducted on Wednesdays and Thursdays at either 10:30 a.m. or 1:30 p.m. The applicant or an adult representative of the applicant must be present at this inspection.
4. Within the (10) days following the inspection, the applicant will be provided with written inspection reports that identify all Health and Life Safety violations and other issues which must be resolved in order for the City to recognize the subject undocumented construction. The inspection report will identify the necessary Building Permits and Zoning Permits and Approvals in order for the subject undocumented construction to be recognized by the City. The Inspection reports will also identify milestone deadlines for the various issues.
5. Applicant submits necessary information (if any needed) to obtain necessary permits and approvals as soon as possible after inspection.
 - a. Permits are reviewed and issued
 - b. Correction work completed one year from date permits are issued.
6. City finalizes Amnesty Program application and updates City records.



APPLICATION FOR AMNESTY PROGRAM

(Please print clearly in blue or black ink only.)

Application Number: _____

Property Location:

Property Owner Information

Name

Phone Number

Mailing Address (Street, City, State, Zip)

Description of Work Requested to be Recognized by Amnesty Program (Describe specifically all work to be included.)

Supporting Arguments (Please use additional sheets if necessary and attach copies of any supporting information.)

Date of Construction (Provide estimated date that construction work was completed.)

Are you requesting recognition of additional dwelling units?

- Yes (Proof of occupancy must be provided within the time frame)
- No

Applicant's Certification

I certify that I have read all information contained within this application package and state that the information given in this application is true and correct to the best of my knowledge. I hereby authorize representatives of the city to enter upon the above-mentioned property for inspection purposes related to this application.

Signature of applicant

Date

Print name

Settlement Agreement

This application package, upon approval by the City of Alameda, constitutes a settlement agreement between the property owner(s) and the City of Alameda to resolve all building and housing violations or non-compliance associated with the subject project, and that, absent property owner's breach of this settlement agreement, the City will not assess or collect any ordinary investigative fees on any "as built" permit or other required permits issued for any work associated with this project.

City of Alameda – Approved by:

Signature

Date

Print name

Property Owner – Concurred by:

Signature

Date

Print name

UNDOCUMENTED CONSTRUCTION SUBMITTAL CHECKLIST

- Permit Application
- Certified City of Alameda Property Permit History (fee per schedule)
- Certified copy of County of Alameda Residential Building Record (must be original with red ink stamp – not copy.) Can be obtained in person from:
 - Alameda County Assessor's Office
 - 1221 Oak Street
 - Oakland, CA 94612
- Plot Plan – fully dimensioned and drawn to scale showing all buildings and parking areas
- Floor Plans – of all floors in subject building, fully dimensioned and drawn to scale including the height of ceilings, window sizes and type, and each room labeled for use
- If Units – Copy of City of Alameda Business License
- If Units – City of Alameda Unit Determination and copies of applicable permits (fee per schedule)
- If Units – Proof that subject dwelling unit(s) has been occupied at some time between August 12, 1993 and December 31, 2007 (income tax records, utility bills, etc.)
- Design Review Application (needed if exterior changes were made).
- Photos (if available) – Dated, showing approximate time of construction
- Letters from neighbors, tenants, previous owners, etc., verifying existence of units or construction

TYPICAL HEALTH AND LIFE SAFETY VIOLATIONS

The City of Alameda requires all Health and Life Safety violations to be corrected within 30 days from the date that they are identified by the City. Health and Life Safety violations include but are not limited to the following:

1. Lack of adequate means of exit
2. Lack of smoke detectors in each sleeping room and in each hallway or room leading to sleeping rooms
3. Holes or gaps in wall and ceiling finish in occupied rooms
4. Door which swings open over step without landing
5. Stairway with rise heights which vary more than 3/8-inch
6. Excessive stairway rise height or substandard stairway run length (Apartments: Rise < 7", Run > 11") (Single Family Dwelling: Rise < 8" , Run > 9")
7. Enclosed usable space under stairs without 1-hour fire rated protection
8. Lack of rescue windows at sleeping rooms and basement (openable area > 5.7 square feet, opening height > 24" , opening width > 20")
9. Lack of handrail and/or guardrail at stairs
10. Lack of guardrail at porch, deck, or landing more than 30" above grade

11. Gas appliance with pilot light in sleeping room (water heater, furnace, etc.)
12. Lack of address numbers visible from street
13. Lack of 1-hour occupancy separation between attached garage and living space
14. Lack of 1-hour occupancy separation between any common storage area or laundry room and any living space in an apartment building
15. Lack of door between toilet room and food preparation area
16. Exit door without thumb latch (key required to exit)
17. Lack of natural light and ventilation in occupied room (windows > 10 % of floor area, openings > 5% of floor area)
18. Unsafe/inoperable fireplace with open fire box
19. Lack of hot and cold water supply
20. Lack of adequate air gap at tub or sink (faucet discharge <1-1/2" above flood rim)
21. Lack of earthquake bracing at water heater
22. Lack of combustion air in water heater or furnace room
23. Lack of adequate heating in occupied rooms (70 degrees at point 3 feet above floor)
24. Lack of or inadequate venting of sewer system
25. Lack of adequate flue from water heater or gas heater
26. Plastic sewer drain exposed at exterior of building
27. Lack of adequate gas shutoff valve at water heater or furnace
28. Lack of adequate temperature & pressure relief valve (T&P Valve) at water heater
29. Open sewer pipe; sewer clean out without proper cap or plug
30. Lack of approved dryer exhaust vent
31. Lack of P-trap at sink drain
32. Missing or damaged light fixtures, receptacles and/or switches
33. Lack of ground fault protected (GFI) receptacles in wet areas (within 6 feet of kitchen or bathroom sink and bathtub or shower)
34. Exposed and/or damaged wiring
35. Reverse polarity at receptacles
36. Unsafe electrical equipment
37. Damaged or missing cover plates
38. Open conductors
39. Wire splice/connection outside of approved junction box
40. Lack of proper cover at electrical panel

MINIMUM CEILING HEIGHTS IN AMNESTY UNITS

This code interpretation will replace previous interpretations on this issue. Ceiling heights in amnesty units shall comply with those in effect at the time the unit or space was constructed. The most liberal interpretation of the following chart will be made in each case. Ceiling heights may be lower if a more recent code would allow a lower height.

Codes	Effective Dates	Habitable Rooms	Sleeping Rooms	Kitchens	Toilet Rooms	Laundry, Storage, Utility Rooms	Corridors & Hallways
1927-1940	5/21/29-8/5/46	No Requirement	No Requirement	No Requirement	No Requirement	No Requirement	No Requirement
1946	8/6/46-8/14/50	7'6" in at least 40 sq. ft.	7'6" in at least 40 sq. ft.	7'6" in at least 25 sq. ft.	No Requirement	No Requirement	No Requirement
1949-1964	8/15/50-1/17/72	7'6" in at least 40 sq. ft. No portion of ceiling may be less than 5'-0"	7'6" in at least 40 sq. ft. No portion of ceiling may be less than 5'-0"	7'6" in at least 25 sq. ft. No portion of ceiling may be less than 5'-0"	7'6" No portion of ceiling may be less than 5'-0"	No Requirement	No Requirement
1970-1973	1/18/72-10/31/77	7'6" See exception #1 & #2	7'6" See exception #1 & #2	7'6" See exception #1 & #2	7'0" See exception #1 & #2	7'6" See exception #1 & #2	7'0" See exception #1 & #2
1976	11/1/77-12/16/85	7'6" See exception #1 & #2	7'6" See exception #1 & #2	7'6" See exception #1 & #2	7'0" See exception #1 & #2	7'0" See exception #1 & #2	7'0" See exception #1 & #2
1985-2007	12/17/85-12/31/07	7'6" See exception #1, #2 & #3	7'6" See exception #1, #2 & #3	7'0" See exception #1, #2 & #3	7'0" See exception #1, #2 & #3	No Requirement	7'0" See exception #1, #2 & #3
2008-	1/1/08-current	7'6" See exception #1, #2, #4 & #5	7'6" See exception #1, #2, #4 & #5	7'0" See exception #1, #2, #4 & #5	7'0" See exception #1, #2, #4 & #5	7'0" See exception #1, #2, #4 & #5	7'6" See exception #1, #2, #4 & #5

Exception #1 -- If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

Exception #2 -- If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

Exception #3 -- Where exposed beam ceiling members are spaced at less than 48" on center, ceiling height shall be measured to the bottom of these members; where exposed beam ceiling members are spaced at 48" or more on center, ceiling height shall be measured to the bottom of the deck

Exception #4 -- In one and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.

Exception #5 -- 7'-0" minimum ceiling height allowed in residential buildings built prior to 1942. (AMC Section 13-2.2).

REQUIRMENTS FOR REPLACING BEDROOM WINDOWS IN EXISTING HOMES

Minimum of one (1) window per bedroom unless there is a door to the exterior.

Many fire-related casualties occur when occupants of residential buildings are asleep at the time of the fire. Section 310.4 of the California Building Code requires that:

Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard or exit court. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

1. The net clear opening shall have a minimum net clear openable area of 5.7 square feet.
2. The minimum net clear open width dimension shall be 20 inches.
3. The minimum net clear open height dimension shall be 24 inches.
4. The finished sill height shall not be more than 44 inches above the floor.

Year House Constructed	Does CBC require bedroom egress?	Net Opening Size	Minimum Opening Dimensions (see below)	Sill Height (maximum from finished floor)
Prior to 1964	Window Size Only	6 sq. ft. (Window size only)	None	None
1964 to 1980	Yes	5 sq. ft. (Net Opening)	22 inches – height 22 inches - width	48 inches
1980 to Present	Yes	5.7 sq. ft. (Net Opening)	24 inches – height 20 inches – width	44 inches

Minimum Opening Sizes of at Least One (1) Bedroom Window to Meet Requirements for Emergency Escape and Rescue (in inches)															
Width	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0	26.5	27.0
Height	41.0	40.0	39.1	38.2	37.3	36.5	35.7	34.9	34.2	33.5	32.8	32.2	31.6	31.0	30.4
Width	27.5	28.0	28.5	29.0	29.5	30.0	30.5	31.0	31.5	32.0	32.5	33.0	33.5	34.0	34.2
Height	29.8	29.3	28.8	28.3	27.8	27.4	26.9	26.5	26.1	25.7	25.3	25.1	24.9	24.1	24.0

Remember to allow from frame size when measuring width and height. Formula to calculate window square footage: width x height over by 144 (in inches)