CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Appeal of Cal-Pac Roofing, Inc., 11350 Monier Park Place, Rancho Cordova, California 95742 appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile as per ICBO Report 3409

MEETING DATE: February 19, 1991

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a public hearing to consider the request of Cal-Pac Roofing, Inc. appealing the decision of the Lodi Chief Building Inspector (Building Official) not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile per ICBO Report 3409.

BACKGROUND INFORMATION: Cal-Pac Roofing, Inc. and the City's Chief Building Inspector have been in discussion over this appeal since September, 1991. Attached are a series of letters and memorandum which outline the situation and describe the staff's position on (1) the City Council sitting as the Board of Appeals and (2) the reason that the appeal should be denied.

FUNDING: None required.

James B. Schroeder
Community Development Director

JBS/cg

Attachments

APPROVED: Thos. A. Peterson
THOMAS A. PETERSON
City Manager

recycled paper

CCCD92.1/TXTD.01C

EXHIBIT A

City Manager's Office

CAL-PAC ROOFING, INC.
CONTRACTOR'S LIC. NO. 519930
11350 Monier Park Place
Rancho Cordova, CA 95742
(916) 635-6300
(800) 422-1450

September 13. 1991

City Manager
city of Lodi
P.O.Box 320
Lodi, CA 95241

Dear Sir:

We uish to appeal a current policy of your Building Department.

Section 204 of the 1988 Uniform Building Code provide8 the form and authority for this appeal.

Our appeal concerns interpretations of Chapter 3214 (Appendix) of the above code, with specific reference to the following:

1. Refusal to allow reroofing over existing roofing materials uith Decrabond Tile, as approved in the product's I.C.B.O. Report (No.3409).

2. Refusal to allw installation of Decrabond Tile over spaced sheeting.

3. A requirement to install Type 30# felt under Decrabond Tile.

To offer us the opportunity to review the qualifications of your appointees to this Board of Appeals, please submit the names of those appointees and their background at your earliest convenience.

Sincerely,

Lindsay D. Smith
Operations Manager

WEMORANDUM. City of Lodi, Community Development Department

TO: James B. Schroeder
Community Development Director

FROM: Roger 6. Houston
Chief Building Inspector

DATE: October 23. 1991

SUBJECT: Uniform Building Code Interpretation By Board Of Appeals

On September 19, 1991 the City Manager's Office recefved a letter from Cal-Pac Roofing, Inc. requesting certain interpretations of the Uniform Building Code be reviewed by the Board of Appeals. As you know, adopted Ordinance 1476A sets up the City Council as the Board of Appeals.

On October 16. 1991 the City Council referred this matter back to Staff for action.

I would recommend the following steps to resolve this matter:

1. Cal-Pac Roofing should appeal, in writing, to the City Building Official.

2. Cal-Pac Roofing should provide documentation to support their position.

Once these steps are followed, I will respond to their appeal on a point by point basis.

If this procedure does not resolve the matter. Cal-Pac Roofing can appeal to the City Council.

RGH/nl

CAL-PAC
ROOFING, INC.
CONTRACTOR'S LIC. NO. 519930
11350 Monier Park Place
Rancho Cordova, CA 95742
(916) 635-6300
(800) 422-1450

RECEIVED
92 JAN -8 PM 3:47
CITY CLERK
CITY OF MDI

JANUARY 2, 1992

CITY COUNCIL
CITY OF MDI
221 WEST PINE STREET
MDI, CA 95241-1910

DEAR CITY COUNCIL MEMBERS:

APPEAL OF DECISION BY CHIEF BUILDING OFFICIAL NOT TO LET US ROOF OVER EXITING SHAKE AND WOOD SHINGLE ROOFS WITH DECRATILE AS PER ICBO REPORT 3409.

CURRENTLY THE CHIEF BUILDING OFFICIAL DOES NOT ALLOW US TO RE-ROOF OVER SHAKE OR WOOD SHINGLE EVEN THOUGH WE HAVE AN ICBO REPORT THAT ALLOWS THAT METHOD OF INSTALLATION.

THE ISSUES ARE AS FOLLOWS:

1) ADDITIONAL WEIGHT:

OUR PRODUCT WEIGHS 1 1/2 LBS/SQ.FT. AN EXISTING HEAVY SHAKE ROOF WEIGHS ABOUT 2 1/4 LBS./SQ.FT. WHEN DRY, INCREASING TO 3 1/2 LBS./SQ.FT. WHEN WET. OUR ROOF INSTALLED OVER A HEAVY SHAKE WEIGHS ABOUT 3 3/4 LBS/SQ.FT., MARGINALLY HEAVIER THAN THE EXISTING SHAKE ROOF WHEN WET AND WELL WITH IN THE DESIGN LOAD LIMIT OF 7 LBS/SQ.FT. WE FEEL THAT OUR PRODUCT IS BEING CONFUSED WITH OTHER SO CALLED "LIGHT WEIGHT ROOFING TILES" WHICH WEIGH 6-8 LBS/SQ.FT. AND REQUIRE THE CONDITIONS REQUIRED BY YOUR BUILDING DEPARTMENT.

2) CONDITION OF EXISTING ROOF STRUCTURE:

DRY-ROT (OR MORE CORRECTLY WET ROT) NEEDS MOISTURE TO EXIST. IT IS MOSTLY FOUND AROUND THE PERIMETER OF A STRUCTURE, ALONG THE EAVES. OUR METHOD OF INSTALLATION ENSURES WE FIND AND REPLACE ANY DAMAGED WOOD.

3) ATTACHMENT OF ROOF TO EXISTING ROOF SUB-STRUCTURE:

WE INSTALL A LUMBER GRID SYSTEM WHICH IS ATTACHED THROUGH THE EXISTING WOOD SHINGLE OR SHAKE ROOF TO THE STRUCTURE BELOW. OUR ROOF SYSTEM PROVIDES A STRUCTURAL DIAPHRAGM EQUIVALENT TO INSTALLING 15/12 PLYWOOD AND IMPROVES THE DIAPHRAGM CREATED BY SPACED SHEATHING BY APPROXIMATELY 300%.

CURRENT REQUIREMENTS BY YOUR CITY:

1) TEAR OFF OF EXISTING ROOF.
2) INSTALL PLYWOOD OR FILL IN THE SXIP SHEATHING.
3) INSTALL FELT.
4) INSTALL OUR ROOF SYSTM.

COST FOR ITMS 1-3 IS ABOUT $2700.00 FOR AN AVERAGE HOME IN LODI. WE BELIEVE THAT THIS IS AN UNNECESSARY ADDITIONAL EXPENSE TO YOUR CONSTITUENTS.

LEAVING THE EXISTING ROOF ACCOMPLISHES THE FOLLOWING:

- PROTECTS THE STRUCTURE WHILE WORK IS IN PROGRESS-
- AVOIDS DUMPING APPROXIMATELY 30 CUBIC YARDS OF CEDAR (WHICH DOES NOT READILY DECOMPOSE) IN YOUR LAND FILLS.
- ALLOWS THE HOMEOWNER TO RETAIN THE INSULATION PROVIDED BY THE EXISTING SHAKE OR WOOD SHINGLE ROOF.
- ALLOWS THE HOMEOWNER TO PURCHASE A SUPERIOR ROOF AT A REDUCED COST.

WE HAVE ALWAYS BEEN A RESPONSIBLE CONTRACTOR STRIVING TO PROVIDE QUALITY WORK AND ABIDE BY THE BUILDING CODES. WE PROVIDE OUR CUSTOMERS WITH A 20 YEAR WORKMANSHIP WARRANTY AND HAVE SUCCESSFULLY INSTALLED MORE THAT 50,000 ROOFS OVER SHAKE OR WOOD SHINGLE IN THE STATE OF CALIFORNIA.

AS REQUESTED IN YOUR LETTER DATED NOVEMBER 27, 1991, I AM ENCLOSING A COPY OF ICBO REPORT 3409 TO SUPPORT OUR POSITION.

WE ARE CONCERNED THAT SECTION 204 (A) OF THE UNIFORM BUILDING CODE IS NOT BEING FOLLOWED, SPECIFICALLY AS IT RELATES TO MEMBERS OF THE BOARD OF APPEALS NOT BEING EMPLOYEES OF YOUR JURISDICTION. PLEASE ADVISE OF YOUR POSITION ON THIS MATTER.

PLEASE ALLOW US TO PRESENT YOU WITH DOCUMENTATION TO SUBSTANTIATE THE FOREGOING CLAIMS AND AN OPPORTUNITY TO SHARE WITH YOU THE MANY BENEFITS OUR ROOFING SYSTEM PROVIDES.

SINCERELY,

DAN SMUTS
V.P. OPERATIONS
NORTHERN CALIFORNIA
CAL-PAC ROOFING

CITY OF LODI
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY

To: James B. Schroeder. Community Development Director

From: Bob McNatt, City Attorney

Date: January 15, 1992

Subject: BOARD OF APPEALS (UNIFORM BUILDING CODE)

In response to the January 2. 1992 letter from Dan Smuts, Vice President of Cal-Pac Roofing, I have done some research regarding the composition of the Building Board of Appeals. The point he expressed was that Section 204(A) of the Uniform Building Code states that the appeals board shall not be "employees" of the City. Since the City Council, in Lodi Municipal Code Section 15.04.040, has designated itself to be the Building Board of Appeals, Mr. Smuts apparently believes this violates the "no employees" provision.

I believe he is incorrect. Under Government Code Section 36501. city council members are "officers" of a municipality. as distinguished from "employees". There are numerous cases distinguishing between "employees" and "officers". (Sharpe v. Los Angeles 136 Cal.App. 732; Chavez v. Sprague 25 Cal. Rptr. 603)

Even if these cases and statutes did not exist, the Council could still appoint itself the Appeals Board. since it is not mandatory that cities adopt the UBC in any specific form. The Standard Codes (including UBC) are merely a convenience to establish some degree of uniformity throughout the country. A city is free if it wishes to adopt an entirely different set of regulations or to adopt the Codes with any modifications deemed appropriate. That is what lodi has done in Chapter 15.04 of the Municipal Code. This Chapter contains several modifications to the UBC. These include LMC Section 15.04.040 which explicitly amends UBC Section 204 to name the Council as the Board of Appeals.

As such, it is entirely proper for the Council to act as the Appeals Board for matters involving the UBC. Please let me know if there are further questions.

BOB McNATT
City Attorney

BM:vc

cc: Roger Houston, Chief Building Inspector

CDROOFS/TXTA.01V

MEMORANDUM, City of Lodi, Community Development Department

TO: JAMES B. SCHROEDER, Community Development Director

FROM: ROGER G. HOUSTON, Chief Building Inspector

DATE: February 11, 1992

SUBJECT: Cal-Pac Roofing Appeal

The following is my response to Cal-Pac Roofing's appeal letter dated January 2, 1992.

Cal-Pac Item No. 1 - ADDITIONAL WEIGHT

OUR PRODUCT WEIGHS 1 1/2 LBS/SQ.FT. AN EXISTING HEAVY SHAKE ROOF WEIGHS ABOUT 2 1/4 LBS/SQ.FT. WHEN DRY, INSTALLED OVER A HEAVY SHAKE WEIGHS ABOUT 3 3/4 LBS/SQ.FT., MARGINALLY HEAVIER THAN THE EXISTING SHAKE ROOF WHEN WET AND WELL WITHIN THE DESIGN LOAD LIMIT OF 7 LBS/SQ.FT. WE FEEL THAT OUR PRODUCT IS BEING CONFUSED WITH OTHER SO CALLED "LIGHT WEIGHT ROOFING TILES" WHICH WEIGH 6-8 LBS/SQ.FT. AND REQUIRE THE CONDITIONS REQUIRED BY YOUR BUILDING DEPARTMENT.

I am not confusing Decabond Tile with other tiles. I know exactly what the product is. Let me give you an example of what we commonly find when an existing shake roof is removed.

Say the home was constructed 35 years ago with a roof framing system which was barely adequate to suppnrt its wood shingle roof, which was popular in that era. After 15 years, the house was reroofed with shakes over the top of the existing shingles. This would have been prior to the City of Lodi requiring a building permit for reroofing, which began June I, 1982. The rafters are now overloaded.

Even though Oecrabond is a relatively light-weight roofing product, no additional load should be added to this already overloaded roof. By removing the shake and shingle roof, the weight of the roof will be returned to its original level.

Cal-Pac Item No. 2 - CONDITION OF EXISTING ROOF STRUCTURE

DRY-ROT (OR MORE CORRECTLY UET ROT) NEEDS MOISTURE TO EXIST. IT IS MOSTLY FOUND AROUND THE PERIMETER OF A STRUCTURE. ALONG THE EAVES. OUR METHOD OF INSTALLATION ENSURES WE FIND AN REPLACE ANY DAMAGED WOOD.

Dry-rot can occur anywhere in a roof structure. It is not unusual to find 1x4 spaced sheathing or solid sheathing and rafters rotted in areas where the shakes appear to be still in tact. This is caused by a leak higher up on the roof running down the rafter or solid sheathing thus saturating them under the shakes. Unless the shakes are removed, there is no way to detect this deterioration.

Oecrabond's I.C.B.O. Research Report No. 3409 and the 1988 Uniform Building Code both require that the existing roof must be inspected and approved prior to application of new roof coverings.

Our inspections have revealed that 9 out of 10 shake roofs in Lodi are deteriorated to a point that we would not allow reroof over them with any roofing product.

We are not singling out Decrabond tile. We do not allow any roofing product to be installed over shakes.

Cal-Pac Item No. 3 - ATTACHMENT OF ROOF TO EXISTING ROOF SUB-STRUCTURE

WE INSTALL A LUMBER GRID SYSTEH WHICH IS ATTACHED THROUGH THE EXISTING WOOD SHINGLE OR SHAKE ROOF TO THE STRUCTURE BELOW. OUR ROOF SYSTEM PROVIDES A STRUCTURAL DIAPHRAGM EQUIVALENT TO INSTALLING 15/32 PLYWOOD AND IMPROVES THE DIAPHRAGM CREATED BY SPACED SHEATHING BY APPROXIMATELY 300%.

The lumber grid system used by Decrabond Tile is similar to the systems contained in research reports for other roofing products including other metal tiles, clay and cement tile and shakes. The key is to make sure the 1"x4" counter battens are being nailed to the existing roof structure in a proper manner. Shakes are installed over 1x4 spaced sheathing. This leaves a 4" gap between each 1x4. If the 1x4 counter battens are installed over the existing shakes, it is impossible to tell if the nails have hit a 1x4 or are in an open space.

However, if the shakes are removed and the spaces filled in or the roof sheathed with plywood, we are then guaranteed a positive connection between the new counter batten system and the existing roof structure.

Per Section II.c. of Oecrabond's research report an underlayment of two layers of 15-pound organic felt (tar paper) or one layer of 30-pound felt is required in areas subject to blowing dust or sand must be installed. It is a well-known fact that the Lodi area has serious peat dust storms. We also have high winds during rainstorms which will drive water into the smallest of openinas. Unless an interlocking roof system is backed up by a felt barrier, leaks will result. Felt cannot be installed over existing shakes because as the workers walk on the felt, it will be torn at the offsets in the rows of shakes. Felt must be installed over a smooth surface such as plywood or an existing composition roof.

I do not agree with Cal-Pac's claim that the Owner is getting a superior roof when Decrabond is installed over existing shakes. Don't get me wrong, Decrabond is an excellent product, but not when it is installed over a deteriorated shake roof with nailing of questionable value and no felt backup system.

If you have any questions, I would be happy to address them at this time.

CITY COUNCIL

JAMES W PINKERTON, Mayor
PHILLIP A PENNINO
Mayor Pro Tempore
DAVID M. HINCHMAN
JACK A SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. Box 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

February 5, 1992

Mr. Dan Smuts
Vice President-Operations
Northern California
Cal-Pac Roofing, Inc.
11350 Monier Park Place
Rancho Cordova, CA 95742

Dear Mr. Smuts:

Please be advised that your January 2, 1992 letter appealing the decision of the Lodi Chief Building Official not to let your company roof over existing shake and wood shingle roofs with Decrabond Tile as per ICBO Report 3409 was presented to the Lodi City Council at its February 5, 1992 meting. The City Council set the matter for public hearing in the Carnegie Forum, 305 West Pine Street, Lodi at 7:30 p.m. on February 19, 1992.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche

Alice M. Reimche
City Clerk

AMR/jmp

Cc: James B. Schroeder, Community Development Director
Roger Houston, Chief Building Official

DECLARATION OF MAILING

On February 6, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto. marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi. California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 1992. at Lodi, California.

Alice M. Reimche
City Clerk

Jennifer M. Perrin
Deputy City Clerk

DEC/01
TXTA.FRM

CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 19, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:
Alice M. Reimche
City Clerk
Telephone: 333-6702

NOTICE **OF PUBLIC** HEARING

February 19, 1992

NOTICE IS HEREBY GIVEN that on Wednesday. at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

1. Appeal of Cal-Pac Roofing, Inc, 11350 Nonier Park Place, Rancho Cordova, California 95742 appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile as per ICBO Report 3409

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street. Lodl, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Plne Street, at or prior to the Public Hearing.

By Order Of the Lodl City Council:

Alice M. Reimche
City Clerk

Dated: February 5. 1992

Approved as to form:

B W McNatt
Bobby W. McNatt
city Attorney

CAL-PAC ROOFING APPEAL
MAILING LIST
EXHIBIT B

Cal-Pac Roofing, Inc.
11350 Monier Park Place
Rancho Cordova, CA 95742

Roger Houston
Chief Building Official

James B. Schroeder
Community Development Director

CITY COUNCIL

JAMES W. PINKERTON, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
DAVID M. HINCHMAN
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

February 24, 1992

Mr. Lindsay D. Smith
Operations Manager
Cal-Pac Roofing, Inc.
11350 Monier Park Place
Rancho Cordova, CA 95742

Dear Mr. Smith:

This letter will confirm action by the Lodi City Council at is February 19, 1992 meeting following a public hearing regarding the appeal of Cal-Pac Roofing, Inc., 11350 Monier Park Place, Rancho Cordova, California appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile as per ICBO Report 3409.

The City Council denied the appeal as it relates to roofing over existing shake roofs with Decrabond Tile. However, the City Council determined that it would allow roofing with Decrabond Tile over existing wood shingle roofs to the approval of the Chief Building Inspector.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche

Alice M. Reimche
City Clerk

AMR/jmp

cc: James 8. Schroeder, Community Development Director
Roger Houston, Chief Building Inspector