

Agenda Report

TO: CITY COUNCIL **DATE:** JULY 24, 2006
FROM: CITY MANAGER
SUBJECT: APPEAL OF BUILDING OFFICIAL'S DENIAL OF ALTERNATIVE
ROOFING MATERIALS AT THE VISTA DEL ARROYO
BUNGALOWS AT 3 SOUTH GRAND AVENUE

RECOMMENDATION

It is recommended that the City Council uphold the decision of the Building Official to deny the use of wood shingles as a roofing material at the property located at 3 South Grand Avenue.

EXECUTIVE SUMMARY

Wood shake roofing material was installed on four structures in the Vista del Arroyo bungalows in violation of City ordinance and in violation of the approved building plans and permits. The developer requested after the fact approval for the installed wood shakes as an alternate material under the State Historic Building Code. The Building Official denied the request because wood roofing is prohibited in the City's Municipal Code because of fire safety requirements. The developer is appealing the Building Official decision because he believes that the State Historic Building Code allows wood roofing material and that this code preempts local ordinance. The City Attorney's Office has opined that the State Historical Building Code does not preempt local regulations and further, that the building official does not have authority to allow that which is prohibited (Attachment A).

BACKGROUND

On March 16, 2004, building permit applications were filed to rebuild and restore eight structures which included some that were fire damaged, and add new construction of four condominiums. The applicant requested exemption from Historical Requirements for the purpose of demolition of the existing structures. All approvals were obtained on July 21, 2004, and permits were issued.

During the month of January, 2006, inspectors noticed that wood shake roofing was installed contrary to the approved set of plans on four of the bungalows.

Approved plans show new cementitious shingle-type of roofing was to be installed on the bungalows. Building and Fire inspectors notified the developer that wood roofing material did not comply with the approved set of plans and further, that the use of wood roofing materials within this zone is prohibited by the PMC because of high fire danger. The City of Pasadena and the State of California define the area around the bungalows as a high fire hazard zone. A hold on inspections was placed on the four bungalows for not following the approved set of plans in violation of the Pasadena Municipal Code (PMC).

The City adopted the California Building Code (CBC) 2001 version with modifications due to climatic, geographic and topographic conditions. Section 1503 of the CBC was amended by PMC section 14.04.020 #6 (Attachment "B") prohibiting wood shake or wood in high fire hazard zones on roofs and vertical walls.

Since the adoption of the Municipal Ordinance, the Fire Department and Building Division have consistently enforced a "no wood" roof policy throughout the fire hazard zone. At least three applications for wood roofing have been denied in the last six months, and one homeowner was forced to remove wood shingles that were installed without permits.

In addition to using shingles treated with fire retardant, the developer has stated that fire danger will be mitigated by a sprinkler system in the building, additional hydrants on the property, updated electrical systems, spark arresters on chimneys and landscape maintenance by a "well-funded" homeowners association. However, in a high fire hazard zone such as this one, none of these factors are proven to be sufficient to mitigate the hazards of wood roofing, even when treated with fire retardant. Attachment "C" outlines a history of major fires in high-risk areas of California and shows that most residential structure losses are due to flying burning brands landing on combustible roofs. As such, the concern is not just for the residents and properties addressed as 3 South Grand, but equally for residents and properties in the surrounding area.

Staff met with the developer, architect, applicant, and wood shake manufacturer on February 24, 2006. Staff reiterated the City's position and restated the facts regarding fire hazards and the prohibition of wood roofing material in high hazard zones. Following this meeting, a second request was submitted by the applicant to the Fire Chief requesting an exception for the use of wood roofing material (Attachment "D"). The Fire Chief's letter of March, 22, 2006 indicates that the Fire Chief does not have the authority to grant an exemption to the Municipal Code (Attachment "E").

The applicant also requested an opinion from the State Historical Building Safety Board (SHBSB). On April 27, 2006, a letter was received from the Executive Director of SHBSB indicating that the use of wood shake is allowed on such structures (Attachment "F"). However, in December of 2003, the SHBSB denied

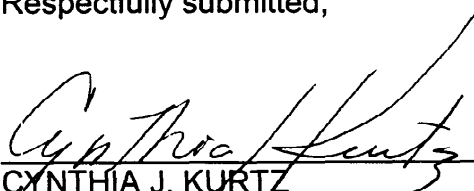
a request for wood shingles in a similar situation in the City of Glendale (Attachment "G"). After further discussion with City staff and review of the Glendale case, SHBSB determined that the case should be reconsidered (Attachment "H"). The case remains pending with the SHBSB and no further comment has been received.

The fire dangers of the Urban Inter-Face Zone surrounding the property at 3 S. Grand Avenue are clear. Conditions in this area are typical of other California areas that have experienced dangerous fires. Danger factors include many homes built prior to the Urban Interface code requirements of 1961, narrow streets, and topographical and climactic conditions such as steep slopes and prevailing winds that would contribute to the rapid spread of fire and difficulty in fire fighting. Several homes in the area still have wood roofs that were installed prior to the 1961 code changes, adding to the fire danger of the area. These cases are "grandfathered" under the current ordinance, but may not be replaced.

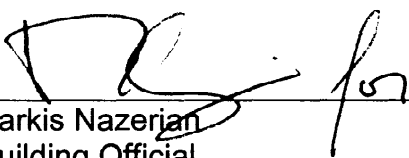
FISCAL IMPACT

Upholding the Building Official's denial of wood shake roofing materials will result in increased fire safety and could therefore save undetermined life and property, as well as costs to the city for fire response in the event of a fire in the area.


Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

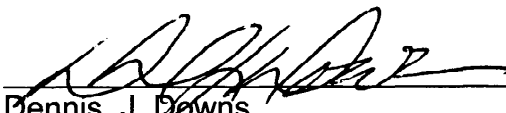
Prepared by:


Sarkis Nazerian
Building Official

Approved by:


Richard J. Bruckner
Director of Planning and Development

Concur:


Dennis J. Downs
Fire Chief

Attachments:

- A Memo from City Attorney
- B PMC Section 14.04.020 #6
- C Historical Fire Facts Regarding Shingles and Shakes
- D Letter from Moue & Polyzoides to Fire Chief
- E Denial from Fire Chief
- F Letter from SHBSB Approving Wood Shakes
- G Documentation of Glendale SHBSB Case
- H Letter to SHBSB Requesting Reconsideration
- I Site Photos