

Ordinance Fact Sheet

TO: CITY COUNCIL
FROM: CITY MANAGER

DATE: JUNE 21, 1999

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA ADOPTING THE CALIFORNIA BUILDING CODE, 1998 EDITION, CHAPTERS 1-35 AND APPENDIX CHAPTER 3 DIVISION II, AND CHAPTERS 9, 12, 15, 16, AND 31, THE 1998 CALIFORNIA BUILDING STANDARDS CODE PARTS 8, 10 AND 12; THE 1998 CALIFORNIA ELECTRICAL CODE; THE 1998 CALIFORNIA MECHANICAL CODE, THE 1998 CALIFORNIA PLUMBING CODE; AND THE 1998 CALIFORNIA ENERGY CODE ALL AS PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION AND AS AMENDED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD), THE DIVISION OF THE STATE ARCHITECT/ACCESS AND COMPLIANCE (DSA/AC); AND THE STATE OFFICE OF STATEWIDE HEALTH, PLANNING AND DEVELOPMENT (OSHDP); THE 1997 UNIFORM HOUSING CODE; THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AND THE 1997 UNIFORM SIGN CODE ALL AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; THE CALIFORNIA FIRE CODE, 1998 EDITION, APPENDICES DIVISION I, II, III, IV, V, AND VI; CALIFORNIA FIRE CODE STANDARDS ARTICLES 10, 24, 52, 62, 74, 79, 80, 81, 82, AND 88; AND THE URBAN-WILDLAND INTERFACE CODE, 1997 EDITION, APPENDICES DIVISION I-A, I-B, AND I-C AS PUBLISHED BY THE INTERNATIONAL FIRE CODE INSTITUTE; MODIFICATIONS OF SUCH CODES AS NECESSARY TO MEET LOCAL CONDITIONS.

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to adopt the most recent versions of the Building Code, and related codes. This fact sheet contains findings in order to adopt changes that are more stringent than the applicable State Codes.

MEETING OF 6/21/99

AGENDA ITEM NO. 9.A.(1)

REASONS WHY LEGISLATION IS NEEDED:

Every three years the International Conference of Building Officials (I.C.B.O.) updates the uniform codes that govern construction practices. The State of California reviews these codes, amends them and adopts them in The California Code of Regulations, Title 24. After the State Code is published, every city and county in California has an opportunity to adopt the codes with local amendments.

A copy of the aforementioned codes has been deposited in the office of the Chief Building Official for use and examination by the public.

FINDINGS:

The governing body of the local government must make an express finding that amendments to either the building standards for residential construction contained in the California Building Standards Code, California Code of Regulations, Title 24 (CCR, T-24), or the regulations of the Department of Housing and Community Development contained in CCR, T-25, are necessary because of local climatic, geological, or topographical conditions. (As stated in the California Health and Safety Code, (HSC) Sections 17958, 17958.5, and 17958.7.).

In order to appropriately accommodate special topographic, geologic and climatic conditions found in Pasadena, the attached amendments and additions to the State Code are hereby found to be necessary. The State of California has adopted the 1998 version of the codes. The adoption of the updated codes will allow Pasadena to utilize the same regulations as the State of California and neighboring cities.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

This does not represent a new program. Planning and Permitting currently processes building permits, and the Fire Department reviews the Fire Code related matters on their behalf prior to the issuance of a building permit. By adopting this ordinance, current programs can be updated to the latest editions of building safety regulations. The ordinance is streamlined for easier compliance and enforcement. These changes will affect all new construction, including alterations and additions to existing buildings.

FISCAL IMPACT:

The fiscal implications are negligible.

Introduced by Councilmember

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PASADENA ADOPTING THE CALIFORNIA BUILDING CODE, 1998 EDITION, CHAPTERS 1-35 AND APPENDIX CHAPTER 3 DIVISION II, AND CHAPTERS 9, 12, 15, 16, AND 31; THE 1998 CALIFORNIA BUILDING STANDARDS CODE PARTS 8, 10, AND 12; THE 1998 CALIFORNIA ELECTRICAL CODE; THE 1998 CALIFORNIA MECHANICAL CODE; THE 1998 CALIFORNIA PLUMBING CODE; AND THE 1998 CALIFORNIA ENERGY CODE ALL AS PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION AND AS AMENDED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD), THE DIVISION OF THE STATE ARCHITECT/ACCESS AND COMPLIANCE (DSA/AC), AND THE STATE OFFICE OF STATEWIDE HEALTH, PLANNING AND DEVELOPMENT (OSHDP); THE 1997 UNIFORM HOUSING CODE; THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; AND THE 1997 UNIFORM SIGN CODE ALL AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; THE CALIFORNIA FIRE CODE, 1998 EDITION, APPENDICES DIVISION I, II, III, IV, V, AND VI; CALIFORNIA FIRE CODE STANDARDS ARTICLES 10, 24, 52, 62, 74, 79, 80, 81, 82, AND 88; AND THE URBAN-WILDLAND INTERFACE CODE, 1997 EDITION, APPENDICES DIVISION I-A, I-B, AND I-C AS PUBLISHED BY THE INTERNATIONAL FIRE CODE INSTITUTE; MODIFICATIONS OF SUCH CODES AS NECESSARY TO MEET LOCAL CONDITIONS

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter.

The approved summary of this ordinance reads as follows:

"SUMMARY

The purpose of this ordinance is to adopt the 1998 Edition of the California Building Code, the 1998 Edition of the California Fire Code, and related codes

Ordinance No. _____ shall take effect upon the expiration of thirty days of its publication

by title and summary."

SECTION 2. Chapter 14 Sections 14.03.040, 14.04.070, 14.03.080, 14.03.090, 14.04.060, 14.04.070, 14.04.090, 14.06.050., and 14.06.060 28 and 14.32 of Title 14 of the Pasadena Municipal Code are hereby repealed.

SECTION 3. The following Sections of Chapter 14.03 of Title 14 of said Code are hereby amended to read as follows:

14.03.010 Adoption and filing.

A. Except as herein provided by specific changes, the administrative, organizational and enforcement for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the city shall be in accordance with the provisions and in the manner prescribed in administrative provisions of the 1998 Edition of the California Building Code, as published by the California State Building Standards Commission.

14.03.020 Section 101.1 of the California Building Code amended

Section 101.1 is amended to read:

This ordinance shall be known and cited as the Pasadena Building Code for Building Construction Regulation, and will be referred to herein as this Code.

14.03.030 Section 104.1 of the California Building Code amended

Section 104.1 - Creation of Enforcement Agency - is amended to read:

Sec. 104.1. There has been established heretofore in this jurisdiction a code enforcement agency entitled, The Planning and Permitting Department which employs a Building Official who shall be authorized to enforce the provisions of this code

14.03.045 Section 106.4 of the California Building Code amended

Section 106.4.4 is hereby added to read as follows:

106.4.4 Expiration

A. Duration of Initial Permit

Notwithstanding any other provision of this section entitled “Permits Issuance”, in residential zoning districts, all work for which a permit is required shall be completed within 18 months from the date of issuance of the permit. When work at a single site is authorized under multiple permits, the maximum duration as described above shall be determined by the issuance date of the earliest permit.

B. Initial Permit Extension

Should additional time be required, the permittee may apply for and request an extension of time to complete the work. The building official may extend the time to complete the work for a period not to exceed 180 days upon written request by the permittee showing good cause for such an extension of time. The building official may place conditions upon the granting of such an extension to protect the neighborhood.

C. Additional Permit Extension

If the work is still not completed after having been granted an extension by the building official, the permittee may apply for a second extension of time to complete the work for a period

of time not to exceed 180 days. Such application shall be subject to a fee as set forth in the City's fee schedule and shall be heard by a hearing officer in a noticed public hearing. The hearing officer may extend the time to complete the work for a period of time not to exceed 180 days upon written application by the permittee showing good cause for the extension. The hearing officer may place conditions on the extension to protect the neighborhood.

D. Required Acts When Permit Expires

When the maximum duration for the completion of the work has expired, the permittee shall do the following, even if the work is not completed:

1. Fill or secure all open excavations.
2. Secure and make weathertight all structures.
3. Remove all vehicles and heavy equipment associated with the work from the site an/or from adjacent streets and alleys.
4. Remove all portable sanitation facilities.
5. Cease all work at the site.

E. Permits After a Work Moratorium

Work at a site that has continued for the maximum duration may not continue or resume for a period of one year. At the end of this period, work may resume. However, a new permit must first be obtained at the full fee prescribed and a plan, detailing a schedule of construction phases that will ensure that the project will be completed in a period of 6 months or less, must be submitted concurrently with the permit application to the building official for approval. Upon approval of the plan by the building official, the permit will be issued and such permit will expire 6 months after the date of issuance. If the work has not been completed within 6 months of the

date of issuance of the permit, work may only continue upon application and payment of the appropriate fee for an extension. Such application will be considered by a hearing officer in a noticed public hearing and will only be granted upon a finding of special circumstances or conditions that make the completion of the work within the mandated time impractical. The decision of the hearing officer may be appealed to the Board of Zoning Appeals upon the payment of the prescribed fee.

F. Exception

Work that is limited exclusively to interior work may be extended in accordance with Section 106.4.4 provided that no construction related vehicles are parked on the street or alley, and that no construction material is stored in view of any adjacent property.

14.03.050 Section 107 of the California Building Code amended

Section 107 is amended as follows:

Table 1-A and all other permit fees of Section 107 are replaced by the tables of fees established by resolution pursuant to Chapter 14.37.

14.03.060 Section 107.3 of the California Building Code amended

Section 107.3 is amended to read:

107.3 Plan Review Fees.

1. **General.** When a plan or other data are required to be submitted by Section 107.3, a plan review fee shall be paid at the time of submitting plans and other data for review. Said plan check fee shall be 100 percent of the building permit fee as provided by resolution pursuant to

Chapter 14.37.

The plan review fees for electrical, mechanical, and plumbing work shall be equal to 25 percent of the total permit fee as provided by resolution pursuant to Chapter 14.37.

The plan review fee for grading work shall be as provided by resolution pursuant to Chapter 14.37.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 107.3 and are in addition to the permit fees.

When completed plans are changed so as to require additional plan review, an additional plan review fee shall be charged as provided by resolution pursuant to Chapter 14.37.

SECTION 4. The following Sections of Chapter 14.04 of Title 14 of said Code are hereby amended as follows:

14.04.010 Adoption and Filing

"California Building Codes adopted. The 1998 California Building Code Chapter 1-35 and Appendix Chapters 3, Division II, 9, 12, 15, 16, and 31; The 1998 California Building Standards Code parts 8, 10 and 12; The 1998 California Electrical Code; The 1998 California Mechanical Code; The 1998 California Plumbing Code, and The 1998 California Energy Code all as published by the California Building Standards Commission and as amended by the State Department of Housing and Community Development (HCD), the Division of the State Architect/Access and Compliance (DSA/AC), and the State Office of Statewide Health, Planning and Development (OSHPD); The 1997 Uniform Housing Code; The 1997 Uniform Code for the

Abatement of Dangerous Buildings; and the 1997 Uniform Sign Code all as published by the International Conference of Building Officials. One copy of all of the above publications are on file for public inspection and are hereby adopted with the same force and effect as though set out herein in full.

14.04.020 Changes and Additions To The Adopted Codes

Pursuant to the Health and Safety Code Sections 17958.5 and 17958.7, the city hereby establishes the following local modifications. The requisite findings, if applicable, for such requirements are set forth in the ordinance fact sheet accompanying this ordinance.

1. A building permit is required to:
 - (a) establish a parking lot.
 - (b) pave an area in the front yard of a residential use.
 - (c) erect a fence of more than 12 inches in height.

14.04.040. Board of Appeals

All sections in the respective codes pertaining to the Board of Appeals are hereby amended in their entirety to read as follows:

In order to hear and decide appeals or orders and determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of these Codes, there shall be and there is hereby created a Board of Appeals, composed of the Mayor and the City Council.

The city clerk shall be the secretary to the Board. The Board may adopt reasonable rules

and regulations for conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the building official, with a duplicate copy thereof to any appellant or contestant affected by any such decision of findings, and may recommend to the City Council such new legislation, if any, as is consistent therewith.

The City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the Board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and in making its findings and decisions.

14.04.080. Moved Building

Section 3404 of the California Building Code is amended by adding the following:

Before a permit is issued, the building-mover shall furnish and file with the City Clerk, a good and sufficient bond in the principal sum of \$5,000.00 in favor of the City of Pasadena for the benefit of any person, firm or corporation who may be damaged directly by the moving of said building or structure, provided that any person, firm or corporation engaged in the business of moving buildings may file with the City Clerk a surety bond in the sum of \$10,000.00 indemnifying the City for like purposes, and in that event such person, firm or corporation need not file the \$5,000.00 bond herein above required for any single moving operation.

SECTION 5. The following Sections of Chapter 14.06 of Title 14 of said Code are hereby amended as follows:

14.06.010 Adoption

A. The City adopts the 1998 California Code for Building Conservation plus Appendices 1, 2, 3 as published by the California Building Standards Commission. One copy of the above publication is on file for public inspection.

B. This chapter shall be known and cited as the Pasadena Code for Building Conservation, and will be referred to herein as the "CCBC". The provisions of the CCBC shall be the minimum standard for reusing existing buildings and for strengthening URM buildings. Except as specifically amended herein, the CCBC shall govern the construction required to reuse existing URM buildings or to strengthen URM buildings.

14.06.020 Definitions

The following definitions shall supersede those found in the CCBC:

"Qualified Historic Building" means any building or structure which meets one of the following criteria:

1. A landmark or Pasadena historic treasure designated according to the provision of Section 2.75.140 or 2.75.150 of this code; or
2. A building or structure than contributes to a designated landmark or district; or
3. A building or structure that is listed in the National Register of Historic Places, either individually or as a contributing element to a district or to a thematic category designation; or
4. A building or structure that is eligible for designation as a landmark or as a Pasadena historic treasure or appears to be a contributing element to a potential landmark district; or
5. A building or structure that is eligible for nomination to the National Register of

Historic Places, either individually or as a contributing element to a district or to a thematic category designation.

14.06.040 Building Permits Required

Retrofitting of URM buildings is construction which requires a building permit from the building official under the provisions of Section 106 of the California Building Code.

14.06.100 Plans Detail

In addition to the architectural and engineering details required under California Building Code Section 106.3.2 and 106.3.3, URM retrofit plans shall provide the following added information:

- A. Significant exterior architectural features of the building and a description of how these elements will be affected by the retrofit;
- B. The tests that will be made to determine the strength of the existing wall(s), where the tests will be taken and, if destructive, how restoration and repair will be done to match the existing material;
- C. Detailed specifications of how historic elements affected by retrofit will be restored.

14.06.200 Penalty

Subsection A is amended to read;

- A. A URM not retrofitted in compliance with this chapter is declared a nuisance, presumed to be dangerous, and is to be abated according to the process for the abatement of

unsafe buildings and structures as set forth in the California Building Code Section 102 as the same may be amended from time to time.

14.06.210 Appeals

Appeals of the application and administration of this code and the special requirements applicable to qualified historic buildings made by the Design Commission or the Cultural Heritage Commission shall be made to the City Council pursuant to Chapter 2.75 or 17.92 of this code. Other appeals of the application and administration of this chapter and those relating to the technical engineering aspects of the referenced California Building Codes shall be handled according to the appeal provisions of the California Building Code.

SECTION 6. **Subsection “I” of Section 14.25.020** Definitions of Title 14 of this code is hereby amended to read as follows:

I. “Nationally recognized standards” mean any and all of the following:

1. All documents, codes, appendices, and standards adopted in Chapter 14.28 of this code.
2. The 1999 Editions of the National Fire Protection Association Pamphlets Number 13, 13D, 14, 20, 24, 72, 231 and 231C.

SECTION 7. The following sections of Chapter 14.28 of Title 14 of said Code is hereby amended as follows:

14.28.010 California Fire Code Adopted.

Except as is otherwise provided for in this chapter by specific provision, the minimum standards, provisions and requirements for the safe construction and maintenance of property, facilities, conditions, materials, equipment, fire prevention and alarm systems, and the general supervision thereof for the purpose of combating and control of fire and fire hazards and abatement of same, within the corporate limits of the city, shall be in accordance with the provisions and in the manner prescribed by the California Fire Code, 1998 Edition ("California Fire Code"), together with Appendices Divisions I, II, III, IV, V and VI and California Fire Code Standards - Articles 10, 24, 52, 62, 74, 79, 80, 81, 82 and 88; The Urban-Wildland Interface Code 1997 Edition, Appendices Division I-A, I-B, and I-C all as compiled and adopted by the International Fire Code Institute. One copy of the above publications is on file for public inspection and they are adopted and incorporated herein as if fully set forth in this chapter."

14.28.02 - Section 101.4 of the California Fire Code amended - Rules and regulations.

Section 101.4 of the California Fire Code is amended to read:

"Sec. 101.4. The Chief, with the approval of the City Council is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this Uniform Fire Code."

14.28.040 Section 7701.1 of the California Fire Code amended - Deletion of exception.

Section 7701.1 of the 1998 California Fire Code is amended by deleting therefrom Exception No. 3 relating to the sale, possession and use of Class C, common fireworks.

SECTION 8. This ordinance shall take effect upon the expiration of 30 days from its publication by title and summary.

SECTION 9. The City Clerk shall file a certified copy of this ordinance with the Department of Housing and Community Development.

SECTION 10. **Severability.** In any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

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SECTION 11. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

Signed and approved this ____ day of _____, 1999.

William J. Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its regular meeting held on _____, 1999, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:



Frank L. Rhemrev
Assistant City Attorney

June 16, 1999