

Agenda Report

TO: CITY COUNCIL

DATE: January 28, 2002

FROM: CITY ATTORNEY

SUBJECT: Proposed amendment to Chapter 14 of the Pasadena Municipal Code to amend the provisions for alternative materials, alternate designs, and methods of construction.

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Chapter 14 of the Pasadena Municipal Code related to the use of alternative materials, alternate designs, and methods of construction.


BACKGROUND:

On December 18, 2000, the City Council adopted Ordinance No.6847 which added provisions to Chapter 14 of the Pasadena Municipal Code whereby the Building Official was authorized to use the International Codes as a basis for approving alternative materials, alternate designs, and methods of construction. The California Building Standards Commission sought an opinion from the Attorney General regarding whether the ordinance was consistent with state law. On December 12, 2001, the Attorney General rendered an opinion concluding that Ordinance No. 6847, by deeming the International Codes as an approved alternate, allowed for automatic approval of alternate materials, designs, and methods of construction and was, therefore, not consistent with state law. The Attorney General opined that the International Codes may not be deemed an approved alternate and that the Building Official must conduct a review on a case by case basis. The proposed ordinance amendment will clarify and rectify those provisions which the Attorney General opined were inconsistent with state law by reaffirming that the International Codes (as well as other standards and publications) are not deemed approved as alternates but rather constitute a resource which the Building Official may use in making his/her determination. Further the proposed ordinance amendment provides that the Building Official must still make his/her determination on whether or not to approve alternative materials, alternate designs and methods of construction on a case by case basis using the factors set forth in the State Building Code.

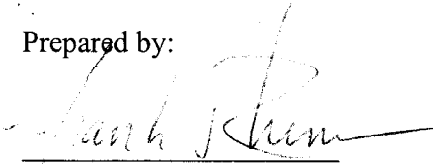
FISCAL IMPACT:

Fiscal impacts for this amendment are negligible.

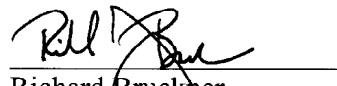
Respectfully Submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


Frank L. Rhemrev
Assistant City Attorney

Reviewed by:


Richard Bruckner
Director of Planning and
Development



Ordinance Fact Sheet

TO: City Council

DATE: January 28, 2002

FROM: City Attorney

SUBJECT: Building Code Amendment for Alternative Materials, Alternate Designs and Methods of Construction

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14 OF THE PASADENA MUNICIPAL CODE TO AMEND THE PROVISIONS FOR ALTERNATIVE MATERIALS, ALTERNATE DESIGNS, AND METHODS OF CONSTRUCTION

PURPOSE OF ORDINANCE:

This ordinance amends the provisions under which the building official may approve alternative materials, alternate designs, and methods of construction. This amendment is necessary to clarify that the listed codes and standards are not approved alternates but, rather, that they may be used as a resource material by the building official in the exercise of his/her discretion, on a case by case basis, in determining whether to approve alternative materials, alternate designs, and methods of construction.

REASON WHY LEGISLATION IS NEEDED:

An ordinance is needed to amend the building code.

PROGRAM, DEPARTMENTS, OR GROUPS AFFECTED

The Planning and Development Department would implement the proposed ordinance.

FISCAL IMPACTS:

Fiscal impacts are negligible.

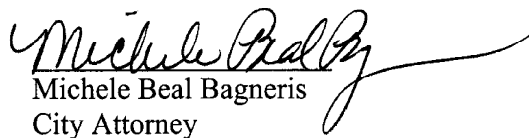
MEETING OF 1/28/2002

AGENDA ITEM NO. 7.C.1. &
9.A.(1)

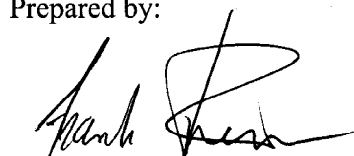
POLICY CHANGES:

The adoption of this ordinance amendment does not create any policy changes.

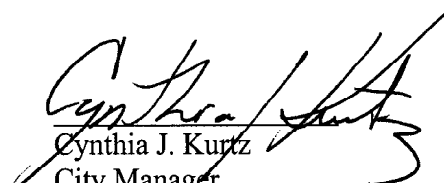
Respectfully Submitted,


Michele Beal Bagneris
City Attorney

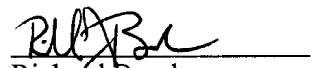
Prepared by:


Frank Rhemrev
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Reviewed by:


Richard Bruckner
Director of Planning and
Development

Introduced by _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING
TITLE 14 OF THE PASADENA MUNICIPAL CODE AND AMENDING THE
PROVISIONS FOR ALTERNATIVE MATERIALS,
ALTERNATE DESIGNS, AND METHODS OF CONSTRUCTION**

SECTION 1. Section 14.04.020 is hereby amended by deleting subsection 2.

SECTION 2. Chapter 14.04 entitled Building Code and Related Codes is hereby amended by adding Section 14.04.025 which reads as follows:

14.04.025 Alternative Materials, Alternate Designs and Methods of Construction

The Building Official may use the International Building Code, International Residential Code, International Plumbing Code, International Fuel and Gas Code, International Mechanical Code (all as published by the International Code Council), the National Fire Protection Association, Fire Protection Handbook, Life Safety Code 101, Standards 20 Installation of Stationary Pumps for Fire Protection, Standards 72 National Fire Alarm Code, Standards 25 for the Inspection Testing and Maintenance of Water Based Fire Protection Systems, Standards 13 Installation of Sprinkler Systems, Standards 58 Liquefied Petroleum Gas Code, Standards 99C Gas And Vacuum Systems, Standards 79 Electrical Standard for Industrial Machinery, National Electrical Code Handbook as published by the National Fire Protection Association, Underwriters Laboratories Fire Resistance Directories, International Conference of Building Officials Evaluation Reports, National Sanitation Foundations Listings, American Institute of Steel Construction Manual, American Institute of Timber Construction Manual, American Concrete Institution Manual, and any other recognized authority, as that term is used in Section 202-A of the California Building Code, as a resource to determine, on a case by case basis, the

suitability of alternative materials, alternate designs and methods of construction. The Building Official may approve use of such alternative materials, alternate designs and methods of construction in accordance with Section 104.2.8 of the 1998 California Building Code.

SECTION 3. This ordinance shall take effect upon the expiration of thirty days from its publication.

Signed and approved this _____ day of January, 2002.

Bill 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 _____, 2002, by the following vote:

AYES:

NOES:

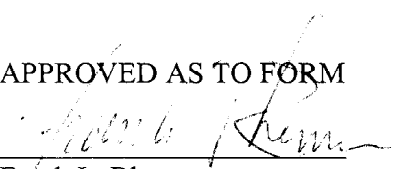
ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM



Frank L. Rhemrev
Assistant City Attorney