

## AGENDA – PUBLIC HEARING

**SUBJECT: APPEAL OF BUILDING OFFICIAL'S DENIAL OF ALTERNATIVE ROOFING MATEIALS AT THE VISTA DEL ARROYO BUNGALOWS AT 3 SOUTH GRAND AVENUE**

**DATE:** ~~July 24, 2006~~ ~~July 31, 2006~~ 7:30 p.m.  
September 11, 2006

**MAYOR BOGAARD:** "This is the time and place for the public hearing of the City Council of the City of Pasadena on the appeal of Building Official's denial of alternative roofing materials at the Vista Del Arroyo Bungalows at 3 South Grand Avenue."

1. Clerk reports on posting and mailing of hearing notice and correspondence received
2. Introduce City Manager and hear staff report.
3. Hear from those in favor of the Appeal.
4. Hear from those opposed to the Appeal.
5. Rebuttal time for the Appellant.
6. Motion to close public hearing.
7. At the close of the Public Hearing, the Council may:
  - A. Uphold the Building Official's decision to deny the use of wood shingles as a roofing material at the property located at 3 South Grand Avenue (Staff recommendation)
  - OR
  - B. Overturn the decision of the Building Official, with revised Findings based on public testimony received at this hearing.

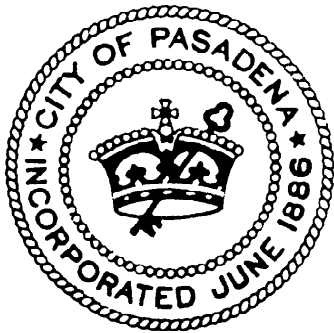
APPROVED AS TO FORM:

  
FRANK RHEMREV  
ASSISTANT CITY ATTORNEY

HSappealVistaBungalows.doc

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09/11/2006  
~~07/31/2006~~  
~~07/24/2006~~  
6.C. 7:30 p.m.



# 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.

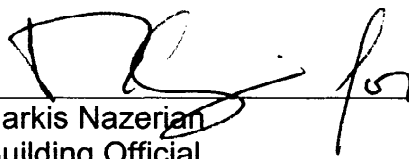
**FISCAL IMPACT**

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.

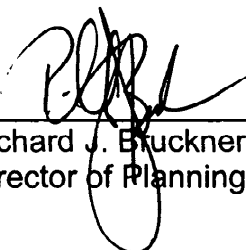
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

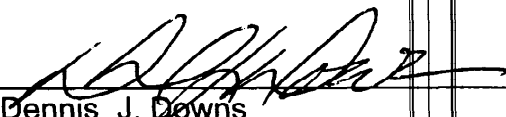
Prepared by:

  
Sarkis Nazerian  
Building Official

Approved by:

  
Richard J. Bruckner  
Director of Planning and Development

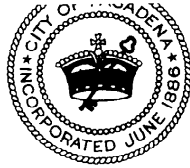
Concur:

  
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



OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Mayor and City Council  
FROM: Frank L. Rhemrev, Assistant City Attorney  
RE: Vista del Arroyo Bungalows - Appeal of Building Official's Denial of Alternative Materials  
DATE: July 24, 2006  
CC: Michele Bagneris, City Attorney; Cynthia Kurtz, City Manager

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This appeal raises two legal issues. The first is whether the City's prohibition of wood roof covering material as set forth in the City's Municipal Code is preempted by the State Historical Building Code; the second is whether the Building Official has the authority to approve a material which is prohibited by the City's Municipal Code. This memorandum will only address these issues. For a complete factual background and technical details see the report of the Building Official and the Fire Chief.

**Introduction**

Vista del Arroyo Bungalows (hereinafter "appellant") installed wood shake roofs on four structures in violation of city ordinance and in violation of their approved building plans and permits. The Building Official denied their request to approve their already installed wood shake roofs as an alternate material. Specifically, the appellant seeks "after the fact" approval to "install a Class A roofing assembly with Class B fire retardant wood shingles on the property at 3 South Grand." The property at 3 South Grand is located in a "high fire zone" and the bungalows are deemed historical.

Staff has 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 at 3 South Grand.

**Background**

Appellants submitted its plans for the Vista del Arroyo Bungalows project. These plans were *not* requested to be reviewed under the State Historical Building Code. The building plans for the Vista del Arroyo Bungalows provided for cementitious (concrete) tile roofing material. (This was consistent with the City's Code as it specifically prohibits the use of wood roof covering material in high fire hazard areas.) The plans were approved and building permits were issued in

accordance with the use of this particular roofing material. Inexplicably, wood shake roof covering material was installed on four buildings (the reconstructed bungalows which had originally been burned down). The City, through its Building and Fire Departments, advised the developer that the wood roofing material had not been approved and was, in fact, in violation of the City's code and would have to be replaced. The developer did not do so and instead sought the help of the State Historical Building Safety Board (SHBSB). Although the SHBSB sent a letter advising the City's Building Official that the wood roof material should be allowed under the Historical Building Code, after the Building Official advised the SHBSB of the City's statutory prohibition and of the SHBSB affirmation of such a prohibition in a neighboring city, the SHBSB advised it would reconsider the matter. By letter the City confirmed its conversation with the SHBSB and advised them that the City would continue to enforce its prohibition of wood roof material in high fire hazard. As of this date, the City has not heard back from the SHBSB.

After the wood roofing material had been installed and the City demanded removal of the wood roof covering, the appellant requested the Building Official to deem the wood roofing material as an approved alternative. The Building Official denied the request and the appellant, in accordance with Pasadena Municipal Code Section 14.04.040, now appeals the decision of the Building Official to the City Council sitting as the Board of Appeals.

### **The State Historical Building Code Does Not Preempt Local Regulation**

The appellant relies on the State Historical Building Code (SHBC), claiming that its provisions should preempt local ordinance. Appellant relies specifically on Section 8-101.2 of the SHBC which states in pertinent part that "these regulations require enforcing agencies to accept reasonably equivalent alternatives to the regular code when dealing with qualified historical buildings or properties" and Section 8-408(2) which states in pertinent part that "wooden roof materials may be utilized where fire resistance is required provided they are treated with fire-retardant treatments to achieve an equivalence to a Class C fire-resistive rating, or as otherwise permitted on a case-by-case basis." Although, the SHBC is intended "to provide alternative solutions for the preservation of qualified historical building or properties" (Section 8-101.2), the legislature did not intend to prevent the building or fire officials from performing their duty.

The legislature established the State Historical Building Code in the California Health and Safety Code Sections 18950 through 18961. In the SHBC the legislature set forth a mandate for reasonable alternatives to the requirements of the CA Building Code and/or local ordinances for qualified historic resources. The legislature, however, recognized that hazards to life safety must be addressed and insured that local building and fire officials could do so by enacting Section 18957 which reads as follows:

Mayor and City Council, pg 3  
July 24, 2006

“Nothing in this part shall be construed to prevent authorized building or fire officials from the performance of their duties when in the process of protecting the public health, safety, and welfare.”

Accordingly, the legislature insured that local building or fire officials are not preempted in carrying out their duties. These officials have previously determined that wood roof coverings in a high fire hazard should be prohibited to protect the public health, safety and welfare; and the City has codified that determination by enacting a local ordinance that prohibits wood roof coverings in high fire hazard areas.

### **Local Ordinance**

The City has adopted the California Building Standards Codes with local modifications. The applicable local modification as it relates to this appeal deals with roof coverings. The Pasadena Municipal Code Section 14.04.020 sets forth changes and additions to the adopted code. Subsection 6 of Section 14.04.020 is an amendment to Section 1503 of the California Building Code which as amended states in pertinent part as follows:

“Roofing requirements. Roof coverings shall have a Class A rating, or be made of materials meeting the requirements of a Class B roofing assembly as specified in Table 15-A and as classified in Section 1504. . . . *No wood roof covering material shall be installed on any structure located in the Extreme Hazard, High Hazard, or Moderate Fire Severity Zones as identified by the Pasadena Fire Department . . .*” (emphasis added) and further,

“*Wood Shake or Wood Shingles shall not be installed on any exterior elevations of structures located within Extreme Hazard and High Hazard Fire Severity Zones or Moderate Fire Hazard Severity Zones.*” (emphasis added)

In order to adopt amendments to the State Code, the City must make express findings that such amendment to the State Code is necessary because of local climatic, geologic, or topographical conditions. The findings for the amendment to the roofing requirements for the 2001 Codes were adopted by the Council on September 30, 2002. They read as follows:

“Pasadena’s hillside areas have narrow and winding access roads, which makes timely response by large fire suppression vehicles difficult. Additionally, long periods of dry, hot weather, combined with unpredictable seasonal winds (Santa Ana wind conditions) result in increased exposure to fire risk. This amendment *prohibits the use of wood roof covering material in high fire hazard areas* and requires other roofing materials to have a class A assembly. This will reduce the potential for rapid spread of fire throughout the

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city during periods of strong seasonal winds.” (emphasis added)

This same amendment to the State Building Codes, i.e., the prohibition of wood roof covering material, was previously adopted by the City in 1996. Accordingly, the prohibition against wood roof covering material in high fire hazard areas has been in existence in the City for at least 10 years.

**The Building Official Does Not Have Authority To Allow That Which Is Prohibited**

The City amended the State Building Codes to prohibit wood roof covering material in high fire hazard areas. The prohibition does not provide for any exceptions. Accordingly, the Building Official cannot approve wood roof covering as an alternate material. To allow the appellant to maintain its wood roof covering material, the City would have to amend its municipal code.

**Conclusion**

Local building and fire officials (and the laws enacted based upon their determinations) are not preempted by the State Historical Building Code when it comes to the protection of public health, safety and welfare. Because the City has enacted an ordinance which specifically and expressly prohibits the use of wood roof covering material in high fire hazard areas, the Building Official cannot approve wood roof covering material in high fire hazard areas as an alternative material.

Respectfully submitted,



Frank L. Rhemrev  
Assistant City Attorney

14.04.020

**DIX B attached to this Code. (See Attachment "B")****6. Section 1503 of the California Building Code is amended to read as follows:****Roofing Requirements.**

Roof coverings shall have a Class A rating, or be made of materials meeting the requirements of a Class B roofing assembly as specified in Table 15-A and as classified in Section 1504. The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering, which is assigned a roof covering classification. No wood roof covering material shall be installed on any structure located in the Extreme Hazard, High Hazard, or Moderate Fire Severity Zones as identified by the Pasadena Fire Department of the State of California. See Urban Wildland Interface Code.

**CBC 1503.1 Roof Coverings****1. Extreme Hazard and High Hazard Fire Severity Zones.**

The entire roof covering of every existing structure where more than 25 percent of the total roof area is replaced within any one-year period or the existing roof area is increased by 25 percent or more at any single time or accumulative times throughout the life of the structure, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-rated roof covering that is at least Class A non-combustible as defined in the Uniform Building Code and the Urban Wildland Interface Code.

**2. Moderate Fire-Hazard Severity Zones.**

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period or the existing roof area is increased by 50 percent or more at any single time or accumulative times throughout the life of the structure, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or re-

placement of the roof of every existing structure, shall be a fire-rated roof covering that is at least Class A as defined in the Uniform Building Code and the Urban Wildland Interface Code. All Class A wood roof assemblies shall be California State Fire Marshal (CSFM) Listed.

3. Wood Shake or Wood Shingles shall not be installed on any exterior elevations of structures located within Extreme Hazard and High Hazard Fire Severity Zones or Moderate Fire-Hazard Severity Zones.

**7. Section 1629.4.2 of the California Building Code is amended to read as follows:**

1629.4.2. Seismic Zone 4 near-source factors. In Seismic Zone 4, each site shall be assigned a near-source factor in accordance with Table 16-S and the Seismic Source Type set forth in Table 16-U. The value of  $N_a$  used in determining  $C_a$  need not exceed 1.1 for structures complying with all the following conditions:

1. The soil profile type is  $S_A$ ,  $S_B$ ,  $S_C$  or  $S_D$ .

2.  $p = 1.0$ .

3. Except in single-story structures, Group R, Division 3 and Group U, Division 1 Occupancies, moment frame systems designated, as part of the lateral-force-resisting system shall be special moment resisting frames.

4. The provisions in Sections 9.6a and 9.6b of AISC - Seismic Part I, shall not apply, except for columns in one-story buildings or columns at the top story of multistory buildings.

5. None of the following structural irregularities is present: Type 1, 4 or 5 of Table 16-L, and Type 1 or 4 of Table 16-M.

**8. Section 1630.8.2.2 of the California Building Code is amended to read as follows:**

1630.8.2.2 Detailing requirements in Seismic Zones 3 and 4. In Seismic Zones 3 and 4, elements supporting discontinuous systems shall meet the following detailing or member limitations:

# COMMITTEE FOR FIRESAFE DWELLINGS



A Non-Profit Corporation

Ph: 1-800-962-4540

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## Shingles and Shakes HISTORICAL FIRE FACTS

The history of major fires in high-risk areas of California clearly shows that most residential structure losses are due to flying burning brands landing on combustible roofs. The wood shake and shingle industry has consistently argued that pressure treated wood shakes and shingles are firesafe roofing products. Historical fire facts does not support this position. The following represent a few of the numerous major fires since the mid-eighties involving wood shake and shingle roofing materials:

### FACT 1: "Sea center museum Fire," City of Santa Barbara, CA, June 26, 1986.

This fire involved a one-story museum building with a one-year old pressure impregnated Class B wood shingle roof. Weather conditions were very mild at the time of the fire incident. The wind speed was approximately nine miles per hour (9 mph), the temperature was 75°F, and the humidity was 70 percent. The fire destroyed approximately 60 percent of the roof area before it was extinguished by the fire department. Although the weather conditions were mild, flying burning brands were generated from the burning roof. Fortunately, there were no exposures on the downwind side of the fire.

### FACT 2: "The Pain Fire," Santa Barbara County, 1990.

In 1990 the Santa Barbara area experienced a historical conflagration which destroyed 641 homes. As a result of that fire, the Office of the State Fire Marshal, supported by a FEMA grant, conducted an extensive investigation which included the development of a structural survivability analysis showing the following findings:

Characteristics Structure and Site	Probability that Structure Survived
Untreated wood shake/shingle roof	19%
Nonwood roof (tile, composition roof)	70%
Less than 30 feet of defensible space	38%
At least 30 feet of defensible space	78%
No defensive action taken by firefighter or citizens	31%
Defensive action taken by firefighter or citizens	83%
Wood roof, less than 30 feet of defensible space, and no defensive action taken	4%
Nonwood roof, at least 30 feet of defensible space and defensive action taken	99%

### FACT 3: "Malibu Fire Storm," November 1993.

The Old Topanga Canyon Firestorm in the Malibu area of Los Angeles County in early November of 1993 killed three people, destroyed 369 homes and damaged another 112, burned over 18,000 acres, and caused over \$200 million in damage. The following is a quote from the "report to the Los Angeles County Board of Supervisors" by the wildfire Safety Panel, dated June 17, 1994:

*"Of paramount importance is providing noncombustible (Class A) roof cover assemblies. The present prohibition of wood shakes and shingles, regardless of class in the Malibu Zoned district, (Western county portion of fire Zone 4) should be expanded to include all of Fire Zone 4 and Buffer Fire Zone areas of the County. Evidence from the recent series of fires and other major fire storms in the state leads us to conclude that a majority of structure fires in the high-risk fire zones are ignited by embers landing on combustible roofs. Even though some manufacturers have developed a Class A rated wood roof assembly through chemical and other treatments, we believe there is not enough evidence available on weatherability and endurance of these highly specialized materials to allow them to be successfully employed in high-risk fire zone areas with a long-term performance guarantee."*

**FACT 4: "Harmony Grove Fire," Carlsbad Section, October 21,1996.**

The "Harmony Grove Fire" swept through part of the La Costa community totally destroying 54 homes and damaging another 142. Over 85 percent of the homes destroyed had wood shake or shingle roofs and represented over 83 percent of the \$11.8 million loss. Total fire damage, including natural resources and improvements, was approximately \$51.8 million. The following quote is taken from the City of Carlsbad's public report on the disaster:

*"Nine million dollars, four dozen homes, horrendous devastation and emotional trauma might have been saved if these roofs had not been made of wood. The implications are more server: Wood roofs enabled the fire to continue on its destructive path, damaging structures (and the lives of people within them) that might have escaped unscathed. As one firefighter wryly remarked, having a wood shake roof is like covering your home with kindling."*

The report further states that as a result of the fire the City adopted an ordinance which prohibited the use of wood shake and shingle roofing materials. One interesting point made was that they had found that when various roofing materials were compared on a life cycle/cost-per-year basis, wood shakes and shingles were by far the most expensive.

**PROHIBITION:**

Because of the severe potential of fire spread throughout a neighborhood and beyond from flying burning brands from and/or onto wood shingle and shake roofs, many communities have prohibited the use of such roofing materials and others are reviewing similar actions. The following communities are among those that have prohibited the use of such roofing materials and others are reviewing similar actions. The following communities are among those that have prohibited their use:



City of Boulder, CO	City of Los Angeles, CA
City of Carlsbad, CA	County of Los Angeles, CA - Fire Zone 4
City of Del Mar, CA	City of Santa Barbara, CA
City of El Cajon, CA	County of Santa Barbara, CA
City of Loma Linda, CA - High Haz. Areas	City of Vista, CA

**RECOMMENDED ACTION:**

A home is probably the single largest and most significant financial investment made by an individual or a family. The largest structural area of exposure to an exterior fire threat is the roof. For maximum protection from fire, the exterior of the roof should be covered with non-wood non-combustible materials, such as concrete or clay tile. This recommendation is based on:

1. Under conditions experienced during building fires, concrete and clay tiles **do not** support combustion and **do not** produce flying burning brands.
2. Concrete and clay tiles have a life expectancy that far exceeds that of wood shingle and shake roofing materials.
3. Based on life expectancy, wood shakes and shingles cost more per year than concrete and clay tile

**DISCLAIMER:** The Committee for Firesafe Dwellings assumes no liability for the use or misuse of this information, which is intended to provide guidelines for consumers in their selection of building materials and fire protection systems for their homes.

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## Attachment "D"

180 East California Boulevard at Picher Alley, Pasadena, California 91106

626 844.2400 phone 626 844.2410 fax  
info@mparchitects.com

# Elizabeth Moule & Stefanos Polyzoides

Architects and Urbanists

February 28, 2006

Dennis J. Downs, Fire Chief  
City of Pasadena Fire Department  
199 South Los Robles Ave., Suite 550  
Pasadena, California 91101

*Subject: 3 S. Grand Avenue Vista del Arroyo Historic Bungalow Roof Shingle Exception Request*

Dear Mr. Downs:

We would like to apply for an exception to the roofing requirements of Section 1503 of the Pasadena Municipal Code based on the historic status of our buildings. We are in the process of restoring eight historic bungalows, four of which originally had wood roof shingles. We are close to completion and would like to resolve this as quickly as possible.

Per the City's amendment to UBC Title 14, Chapter 04, Article 7C, the fire chief has the authority to approve Class B roofing on an historic landmark or treasure building. We believe that this applies to the buildings in question.

Our buildings are listed on the National Register of Historic Places and are considered a designated historic resource. Based on this designation, we are required to restore these bungalows per the State Office of Historic Preservation (SHPO) standards: they are not new construction and they originally had wood shingles. They have never been modified with alternative roofing throughout their existence - they still had the original wood shingle roofs when we started our restoration. The installation of any material other than wood compromises their historic integrity.

While the Fire Chief has the authority to accept a Class B roofing material, we are in a high fire zone and as such we have provided a Class A assembly (see attachments for technical data), fully sprinklered the buildings, and added multiple fire hydrants throughout the property. The electrical systems have been entirely replaced, the existing and new chimneys all have spark arresters. The vegetation on the site will be well maintained through the existence of a well-funded Homeowner's Association, further decreasing the risk of fire on this property.

For your information, the other four adjacent historic bungalows on the property have restored tile roofs and replaced asphalt (torch down) roofing, all of which are Class A assemblies. These buildings have all been restored to their former 1920's appearance.

We were granted a fire department verbal approval for the use of our currently installed Class A rated wood shingle assembly. Our email documentation of this approval led to its installation. Nonetheless, we are seeking this approval in writing in order to obtain our Certificate of Occupancy. Please let me know what further information I can provide to you to assist in the approval of this exception.

# Elizabeth Moule & Stefanos Polyzoides

Architects and Urbanists

Best Regards,

Elizabeth Moule

## Attachments

California Department of Forestry and Fire Protection – Office of the State Fire Marshall –  
Class A Assembly

ES Report (ESR-1410) ICC Evaluation Service – Chemco Fire Retardant Treated Wood  
Shakes and Shingles

Safer Wood – Class A Assembly Installation

Copy of Pasadena Building Dept. Special Programs – Roof Covering section of the Pasadena  
Municipal Code, Title 14, Chapter 4, Article 70 (amended UBC)

Amendment to Section 13132.7 of the Health and Safety Code – Indicating State acceptance  
of the Class B Roofing/Class A Assembly in a high fire zone.

## CC:

Richard Bruckner, City of Pasadena Planning and Development

Denver Miller, City of Pasadena Planning Department

Jeff Cronin, City of Pasadena Planning Department

Sarkis Nazerian, City of Pasadena Building Official

Mark Fasick, City of Pasadena Fire Department

Scott Pursell, City of Pasadena Fire Department

Marc Jomsky, Office of the City Clerk

Sue Mossman, Pasadena Heritage

Peyton Hall, Historic Resources Group

Tim Brandt, State Historic Preservation Office

Attachment "E"



OFFICE OF THE FIRE CHIEF

March 22, 2006

Ms. Elizabeth Moule  
Elizabeth Moule and Stefanos Polyzoides Architects  
180 East California Blvd.  
Pasadena, CA 91105

Subject: 3 S. Grand Avenue Vista del Arroyo Historic  
Bungalow Roof Shingle Exception Request

Dear Ms. Moule:

I am unable to grant your request for exception regarding the wood roof requirements for 3 S. Grand Avenue. Your project is located in the high hazard brush zone and, under Section 14.24.040 of the Pasadena Municipal Code, wood roofing is not an acceptable building material for use in this area.

While further researching your request received on March 2, 2006, it was determined that the Code sections you referenced had been repealed on July 28, 1999. The current Pasadena Municipal Code does not give the Fire Chief and the Director of Planning and Development the authority to waive the prohibition against the use of wooden shingles. The current requirements are referenced in Section 1503 of the California Building Code and read as follows: "No wood roof covering material shall be installed on any structure located in the Extreme Hazard, High Hazard, or Moderate Fire Severity Zones as identified by the Pasadena Fire Department of the State of California." With regard to a verbal approval by fire officials, it has been determined that no such verbal approval was ever given to the owner or the owner's representative, nor would a fire official have the authority to give such an approval. In any case, such a significant waiver of the requirements of the Fire Code would have been issued in writing were it to be approved.

If you have any further questions, please contact our Building Official Sarkis Nazerian at (626) 744-7087.

Sincerely,

DENNIS J. DOWNS  
Fire Chief

DJD:MAF/pgp

c:/downs/roofing



STATE HISTORICAL BUILDING SAFETY BOARD

April, 27, 2006

Sarkis Nazerian  
Building Official  
City of Pasadena  
175 N Garfield Ave., 1<sup>st</sup> Floor  
Pasadena, CA 91104

Post-it <sup>®</sup> Fax Note	7671	Date	5/5/06	# of pages	3
To	DAVID N. HERRING		From	R. CONRAD	
Co/Dept			Co		
Phone #			Phone	916 324-7180	
Fax #	626 844 2410		Fax #		

Dear Mr. Nazerian:

We have been contacted by Ms Elizabeth Moule regarding the re-roofing of buildings at 3 S Grand Avenue. This property is an historic Bungalow court that is qualified for use of the California Historical Building Code (CHBC). Your letter dated March 22, 2006 denying the request to install a Class A roofing Assembly with Class B fire retardant wood shingles on this property does not conform to Section 8-408 of the 2001 CHBC, nor in our opinion, to Section 1503 of the 2001 CBC. Section 1503 cites "at least Class A assembly as defined in CBC." Attached is the State Fire Marshal (SFM) listing for a Class A assembly using treated wood shingles. We note that the SFM gives the authority to approve this assembly to the local jurisdiction; however the CHBC allows the use of wood shingles. Ultimately approval must be granted based on the CHBC.

If you have any questions in regards to this information, please call me directly at (916) 324-7180.

Sincerely,

Richard T. Conrad, FAIA  
Executive Director

Enclosures

cc: SHBSB Executive Committee



STATE HISTORICAL BUILDING SAFETY BOARD

December 9, 2003

Michael R. Grant  
Assistant City Attorney  
Glendale City Attorney's Office  
613 E. Broadway, Suite 220  
Glendale, CA 91206-4394

Dear Mr. Grant,

Enclosed is a copy of the final decision of the appeal of Mr. Saylor to the SHBSE as filed with the State Building Standards Commission. If you have any questions please contact me at (916) 445-7627.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Winter".

Thomas A. Winter, Sr. Architect  
Executive Director

2003 DEC 15 PM 2:00  
STATE HISTORICAL BUILDING SAFETY BOARD



## STATE HISTORICAL BUILDING SAFETY BOARD

**Decision  
of the  
State Historical Building Safety Board  
In the Matter of the  
SHBSB Case #120201,  
2766 East Glenoaks Blvd., Glendale**

### ISSUE

Appeal of a decision or ruling by the City of Glendale to deny request for alternative roof construction pursuant to the 2001 California Historical Building (CHBC), Section 8-408, Item 2 on the issue of 2766 East Glenoaks Blvd., Glendale. Denial of application of SHBC adversely affects the owners plan for restoration of the historic building.

### Findings

#### Statewide Significance of the Appeal

- A. The authority of local authority to set standards for building structural, fire and life safety higher than those of the SHBC, and
- C. The question of the authority of the State Historical Building Safety Board to interpret, review and provide appeals for resolution on issues involving qualified historical buildings or structures pursuant to the authority vested by the State of California and,
- D. That no similar issues are found in the State Historical Building Safety Board (hereafter SHBSB or Board) case files and,

#### Qualified Historical Building

Finding: The structure is listed on the local listing of historical places.

#### Authority

SHBSB has authority to hear and make a decision in this case. Pursuant to Health and Safety Code, Section 18959 (f) the City of Glendale may amend the California Historical Building Code following requirements of State Building Standards Code. The City of Glendale through city ordinance bans wood roofing materials in designated high fire hazard areas. The express finding is for climatic conditions: high winds, low humidity, high temperatures, and local topographic and landscape conditions known as urban-wildland interface.

SHBSB has accepted the ordinance as amending the 2001 CHBC. SHBSB staff counsel opinion concludes that (ltr. 5/17/88) modifications to the CHBC continue to be subject to provisions of the SHBC. The SHBSB retains the basic SHBC authority to hear appeals, make decisions and propose alternatives. These must be based on the local standards and the express findings of the amendments.

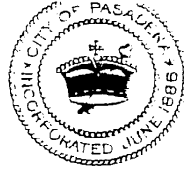
**Findings on the Issues of the Case**

- 1) The vicinity surrounding the structure is in a high fire hazard as designated by the City of Glendale.
- 2) The City of Glendale recognizes application of Section 8-408 (2) within all areas of the city on a case by case basis.

The SHBSB denies the appeal and supports the City of Glendale to not permit installation of roofing materials pursuant to city ordinance in high fire hazard areas designated by the ordinance.



Attachment "H"



PLANNING & DEVELOPMENT DEPARTMENT  
BUILDING & NEIGHBORHOOD REVITALIZATION DIVISION

June 15, 2006

Richard T. Conrad, Executive Director  
State Historical Building safety Board  
1130 K Street, Suite 101  
Sacramento, CA 95814

Re: 3 S. Grand Avenue, Vista Del Arroyo

Dear Mr. Conrad:

Thank you for the opportunity to speak to your consultant, Mr. Thomas Winter to discuss your opinion relative to the wood roofing issue outlined in your letter dated April 27, 2006.

I advised your consultant that the wood roof on the Vista Del Arroyo project was installed without City approval and that, in fact, the City had adopted an amendment to the CBC prohibiting wood roofing in high fire hazard areas. I also advised your consultant, that the SHBSB had previously upheld such a prohibition of wood roofs in high fire hazard areas in case SHBSB #120201 - 2766 E. Glenoaks Blvd., Glendale.

Based on the above information your consultant stated he would take this matter back to the executive committee for further discussion and get back to me. Accordingly, the City will continue to enforce its Building Code which prohibits the use of wood roofing in high fire hazard zones.

If you have any questions, please feel free to call me at (626) 744-7087.

Sincerely,

Sarkis Nazerian  
Building Official

Attachment - Photographs



Figure 1- New Bungalow showing unpermitted wood roof in proximity to flammable vegetation.

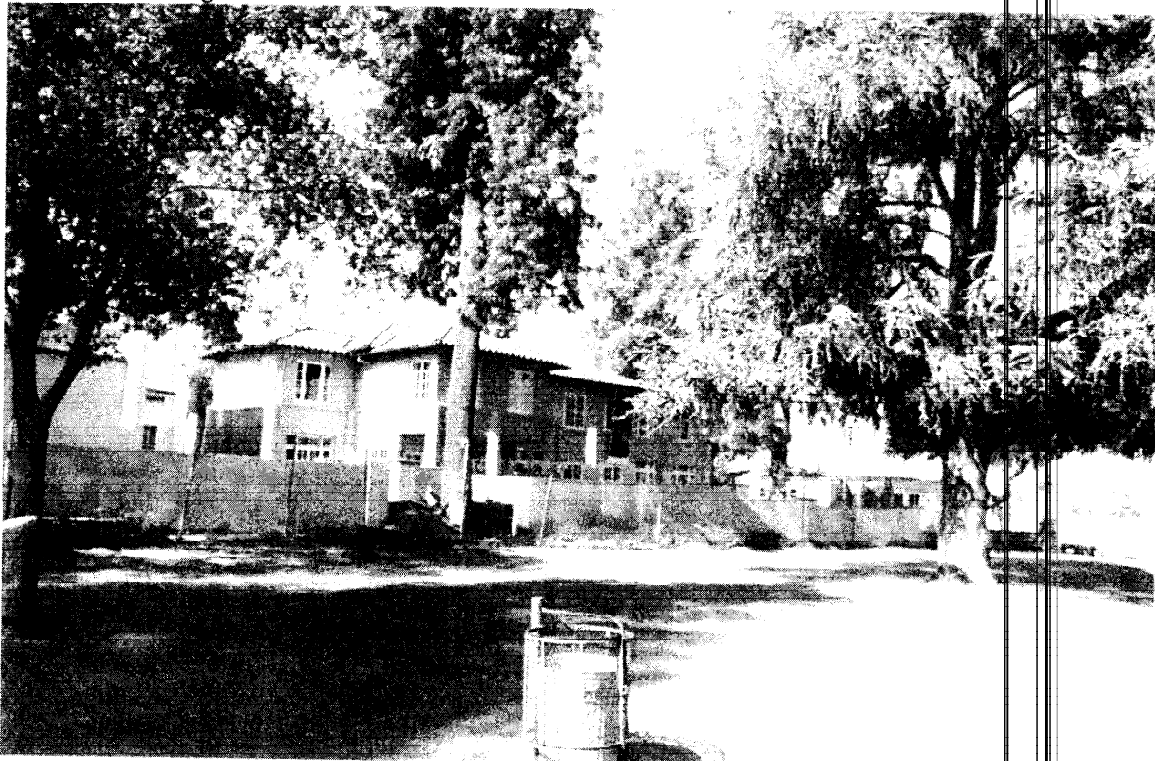


Figure 2- Permitted tile roofing in use at project.

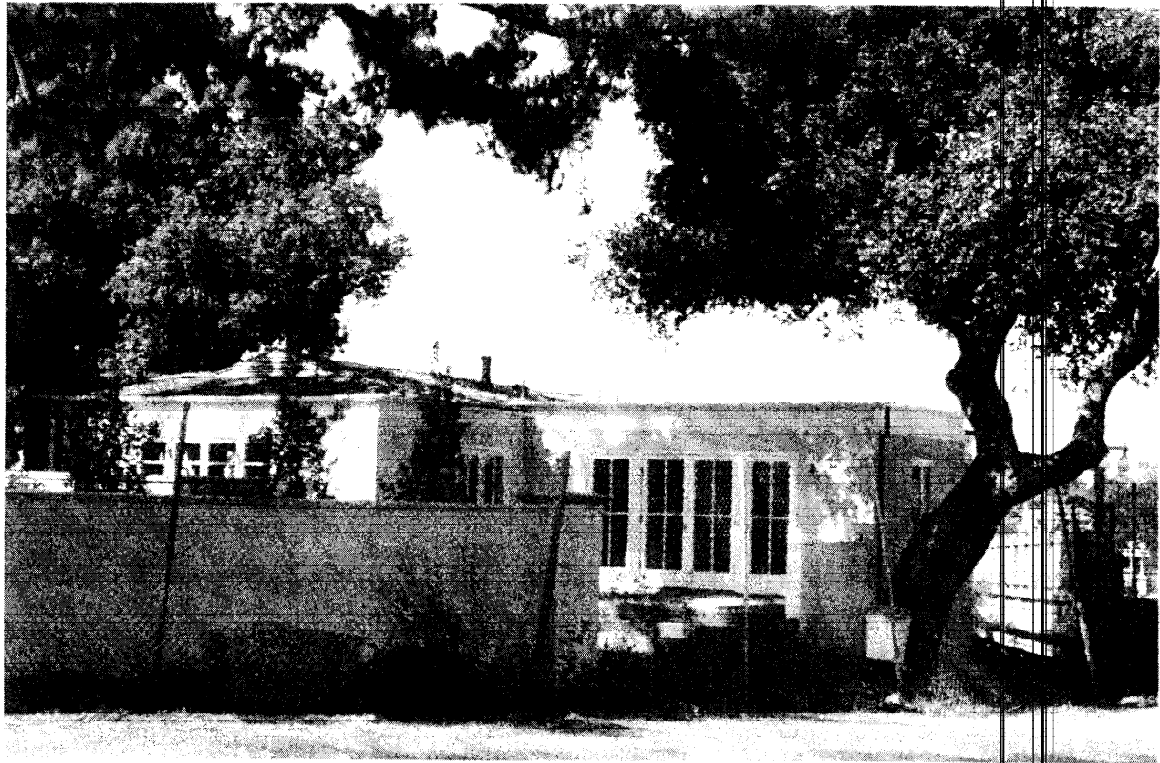


Figure 3- Flammable vegetation over and amongst unpermitted wood roofs.

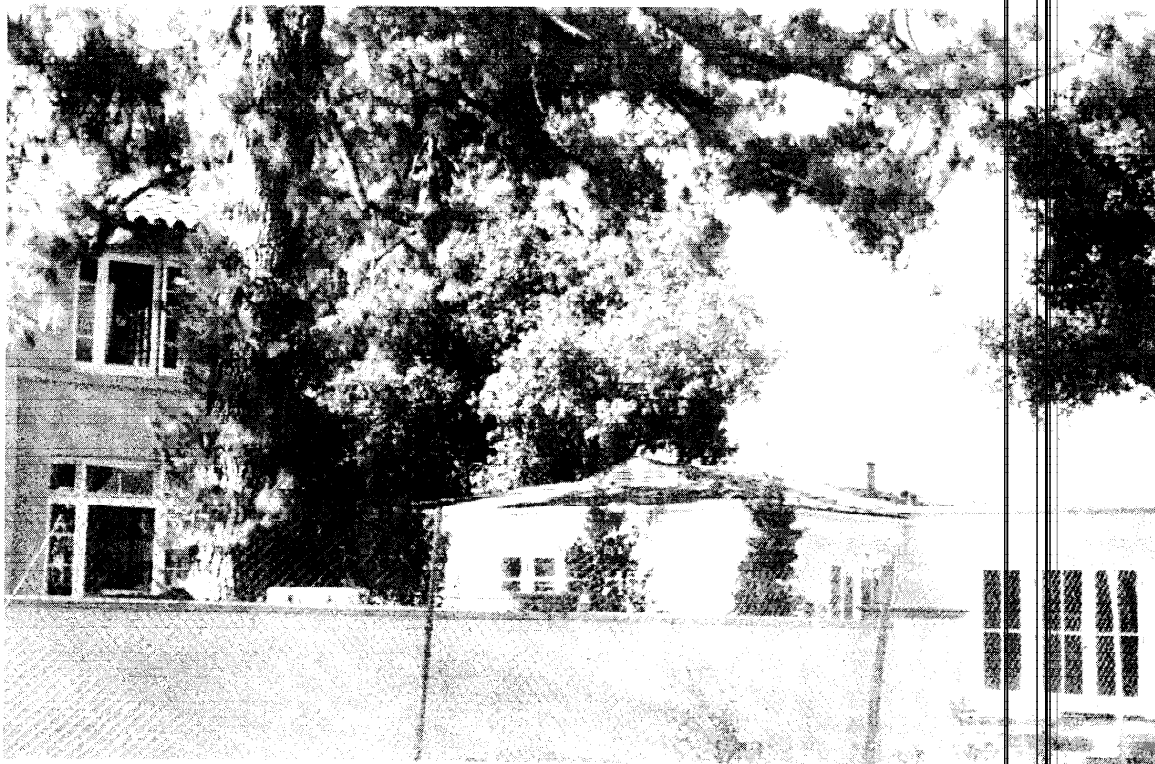


Figure 4- Flammable vegetation over and amongst unpermitted wooden roofs and permitted tile roof.

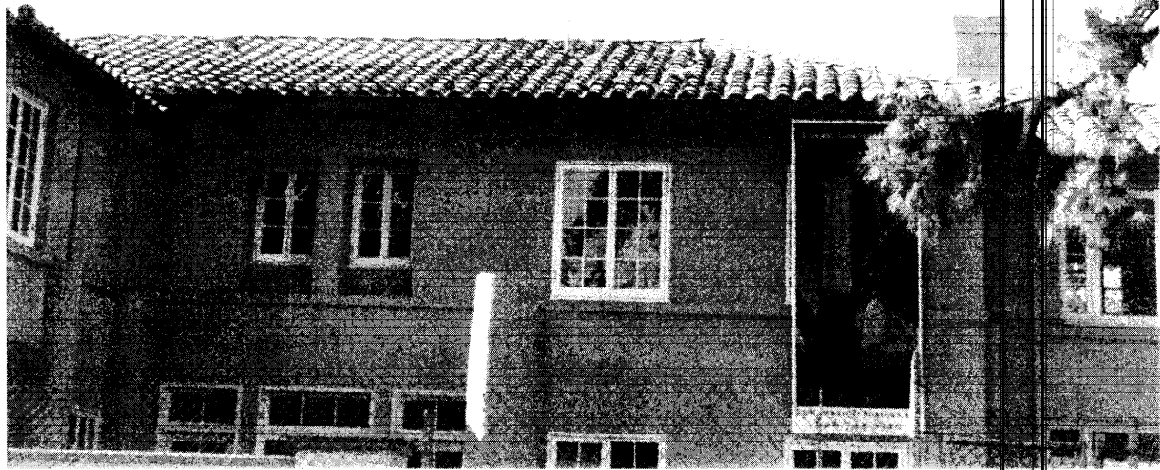


Figure 5- Permitted tile roof at project.



Figure 6- Structure with unpermitted wood roof immediately adjacent flammable brush on slope (see also Figure 7)



Figure 7- Grade with flammable vegetation below structure in Figure 6.