

Agenda Report

November 14, 2016

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: PREPARATION OF AN ORDINANCE ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24 INCORPORATING THE 2016 CALIFORNIA BUILDING CODE AND APPENDIX CHAPTERS C, D, H, I AND J; THE 2016 CALIFORNIA RESIDENTIAL BUILDING CODE AND APPENDIX E, H, J, AND V; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA FIRE CODE, APPENDIX CHAPTER 4, APPENDICES B THROUGH I, AND APPENDIX N; THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND NEW STANDARDS APPLICABLE TO BUILDING PERMITS

RECOMMENDATION:

It is recommended that the City Council direct the City Attorney to prepare an ordinance and return within 30 days adopting the California Code of Regulations Title 24, incorporating the 2016 California Building Code and Appendix Chapters C, D, H, I, and J; the 2016 California Residential Building Code and Appendix Chapters, E, H, J, and V; the 2016 California Mechanical Code; the 2016 California Plumbing Code; the 2016 California Electrical Code; the 2016 California Fire Code, Appendix Chapter 4, Appendices B through I, and Appendix N; the 2016 California Green Buildings Standards Code with modifications as detailed in the background section of this report, and new standards pertaining to construction time limits and fencing requirements applicable to building permits.

BACKGROUND:

Every three years the California Building Standards Commission adopts a new set of technical codes which include building, electrical, mechanical, plumbing, fire and green building code standards. Local jurisdictions must adopt and enforce these newly adopted codes and apply the minimum requirements to all construction projects that file

a building permit application after January 1, 2017. Local jurisdictions may amend the State regulations to address issues of local or regional importance, such as fire or earthquake hazards or a desire to seek increased energy efficiencies, but the changes cannot be less restrictive than otherwise mandated by the State.

Historically, the City has adopted amended versions of the California Code in order to better meet local needs. Staff has been working in coordination with eighty-seven other cities in Los Angeles County through the Los Angeles Regional Uniform program to minimize variations and promote consistency among proposed amendments adopted by cities in the region. Similar to past code adoption cycles, staff is recommending limited amendments to the California Building, Residential, Green and Fire codes. These proposed amendments are summarized in Attachment A.

Building Code

There are no new code requirements that staff is recommending to the City's Building Code beyond those which exist today. However, in an effort to ensure that new construction is as safe as possible, staff is recommending that most of the existing amendments that were previously approved by the Council be carried over. Most of these amendments relate to more stringent building requirements to ensure greater protection against fires and earthquakes. Examples of these amendments include the prohibition of wood roofing material, the prohibition of permanent wood foundation systems and requirements for added structural stability, similar to those by most cities throughout the Los Angeles Basin. Other previous amendments do not need to be carried forward because they have now been incorporated into the new codes.

Green Building Standards Code

Similar to other technical codes, staff is recommending that previously approved amendments to the Green Building Standards Code be carried forward. Such amendments include an application of these energy efficient standards to a broader array of projects, such as municipal buildings over 5,000 square feet and alteration or new construction or projects of at least 25,000 square feet. Qualifying projects will need to incorporate measures such as the use of energy efficient appliances, water saving fixtures and higher efficiency electrical lighting. Some of the previous amendments do not need to be carried forward because they have been incorporated into the new codes.

Fire Code

Staff is recommending that most of the existing amendments to the California Fire Code be carried through from the previous 2013 code cycle. Some of the previous amendments are not being carried forward because they have been incorporated into the new codes. Many are amended only due to code section number changes. Several of the amendments merely provide additional detail or clarification to the regulated community. These amendments continue the City's priority of maintaining public safety through the provision of emergency exits, fire alarms, automatic fire extinguishing systems and hazardous materials control.

Residential Building Code

Staff is recommending that most of the existing amendments for the Residential Code be carried through from the previous code cycle. This includes requiring a licensed design professional for the design of anything greater than a single story building where the State residential code allows for a single-family home of up to three stories to be built without a licensed design professional. Cities in Los Angeles County typically adopt the more stringent standard because studies have shown that homes of two stories or more do not perform well in an earthquake unless designed by a licensed architect or engineer. Other amendments include the prohibition of wood for foundations and the use of staples as fasteners. Staff is recommending carrying over the existing amendments as previously adopted in 2013.

Proposed New Requirements to Building Permits

In an effort to address construction-related concerns, staff is proposing three new requirements, identified in Attachment B, and as discussed below:

Construction Time Limits

To address the issue of lengthy construction projects, staff is recommending an amendment to the current Building and Residential Building Codes to limit the duration of building permits. Currently, the code allows for a building permit to remain active as long as inspections are performed within a 180 day period. Similar to other jurisdictions, such as Santa Monica, San Marino, City of Los Angeles and others, staff is proposing to amend this section to impose time limits on construction completion. The proposed construction time limit ordinance shall state:

Expiration.

Beginning January 1, 2017, every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if all work by said permit is not completed within the time limits specified below from the date of issuance of the building permit:

Construction Type	Project Completion Time
<i>Single-Family</i>	<i>24 months</i>
<i>Multiple Family (3+ units)</i>	<i>36 months</i>
<i>Non-residential</i>	<i>36 months</i>

- a. *Before such work can be recommenced, a permit extension, as specified in Subsection A, shall be first obtained. No permit shall be extended more than twice.*
- b. *Time limits will not be increased by issuance of subsequent building permits for the same project.*
- c. *When a project is divided into separate permits by the applicant the work on such permits is to be done concurrently, the time allowed to complete all work on each separate permit shall be established from the initial permit issuance date.*

A. Extensions and Fees.

- a. *Any permittee holding an active permit may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee. The written request must demonstrate that:*
 - i. *Due to circumstances beyond the owner's or permittee's control, construction could not be commenced, continued or completed in the authorized time period;*
 - ii. *If the construction has started, substantial progress has been made;*
 - iii. *The condition of the property presents no health or safety hazard; and,*
 - iv. *The continued delay will not create any unreasonable aesthetic impact to the neighborhood or substantial economic detriment to the neighboring property owners.*
- b. *The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months. Payment of the building permit extension fee shall be required. The extension fee shall be calculated as the greater of two percent (2%) of the estimated total project valuation or one-thousand dollars.*
- c. *Building permits shall not be extended more than twice, and each extension shall not exceed six months.*

B. Appeals. *If the property owner feels aggrieved by the determination of the Building Official regarding the applicable time limit or by the denial of an additional six-month extension, the property owner may appeal to the Code Compliance Hearing Officer within ten days of the Building Official's decision. The appellant shall pay a hearing appeal fee at the time of filing an appeal in an amount as shall be established from time to time by resolution of the City Council. The Code Compliance Hearing Officer shall notify the appellant in writing of the date of the hearing on the appeal, and such notice shall be sent at least ten days before the date of the hearing, which shall be held no later than thirty days after the filing of the appeal.*

Construction Sign Requirement

In addition to the above adoption of construction time limits, staff is also recommending to require property owners to post a sign, in a conspicuous location visible from the public right-of-way, once a building permit is issued. The sign shall be a minimum of 2' by 3' in size and shall include a brief description of the work permitted along with

contact information, working hours and the approximate date of permit expiration. The required construction sign is intended to inform the neighborhood of the ongoing construction. The posted sign will also clearly identify a responsible party and phone number. Building permits for interior remodeling or minor work will be exempt from the construction sign requirement unless construction staging, storage or equipment is visible from the public right of way.

Construction Fencing

Construction site fencing is currently required only for the duration of soil-disturbing activities to minimize air quality impacts in compliance with fugitive dust rules, pursuant to the Air Quality Management District (AQMD). Construction site fencing can also aid in lessening the aesthetic impact that construction projects have on their respective neighborhoods. As such, staff is recommending a requirement for construction site fencing and mesh screening for projects involving major construction that is visible from the right-of-way and where there is outdoor storage of construction materials or equipment visible from the right-of-way. Property owners will be allowed to remove the fencing once all of the visible construction-related items are removed.

COUNCIL POLICY CONSIDERATION:

The recommended action furthers the City Council's strategic plan goal to ensure public safety by adopting the most currently available codes for all types of construction in the City. The staff recommendation also supports the City's commitment to increase conservation and sustainability.

FISCAL IMPACT:

There are no fiscal impacts related to the updates of the various code provisions. The proposed new building permit requirements would be enforced by existing building and code staff. As such, there is no expected fiscal impact related to the new permit requirements.

Respectfully submitted,



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Director of Planning & Community
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Prepared by:



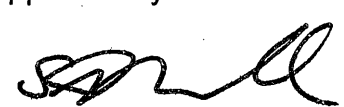
Sarkis Nazerian
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Concurred by:



BERTRAL WASHINGTON
Fire Chief
Fire Department

Approved by:



STEVE MERMELL
City Manager

Attachments (2):

Attachment A – Code Adoption Table
Attachment B – New Standards for Building Permits