

REPORT TO THE CITY COUNCIL



DATE: November 19, 2013

TITLE: An Urgency Ordinance Amending Specified Chapters of the Municipal Code to Adopt the 2013 California Building Standards Code and Related Codes

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take Testimony in favor;
- 5) Take Testimony against;
- 6) Take Testimony neutral;
- 7) Close the Public Hearing;
- 8) Opportunity for Rebuttal;
- 9) City Council discussion and questions to Staff; and
- 10) City Council adopt, as an urgency ordinance, the proposed ordinance (Exhibit 1) which adopts the 2013 editions of the California Building Codes with certain amendments and the requisite findings in support of such amendments. Passage of this urgency ordinance requires a four-fifths vote of the City Council
- 11) Waive the reading of the Ordinance in its entirety; and read b title only.

DISCUSSION

In July 2013, the State of California adopted a complete set of new building codes based on the latest national and international model building codes. These codes, known as the California Building Standards Code (BSC), have been adopted as Title 24 of the California Code of Regulations. While many of the national (uniform) model code standards have been incorporated into the BSC, it is the BSC that applies in all parts of California, not the model codes. The new codes are effective January 1, 2014, and are immediately applicable to all building permits submitted after that date, unless the City adopts amendments on or prior to that date.

In addition to the standards established in the BSC, the Department of Housing and Community Development has adopted regulations in Title 25 of the California Code of Regulations implementing the State Housing Law. Those regulations are also applicable to most residential structures within the City. The City is permitted to adopt amendments to these building standards provided the amendments are based on findings that the amendments are necessary due to local climatic, topographic or geological conditions. In order to avoid any delay in the effect of these amendments, this ordinance is proposed as an urgency measure which requires a four-fifths vote of the Council.

Any amendments adopted by the City are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission. Additionally, the amendments may not be effective sooner than the effective date of the BSC (January 1, 2014).

In the absence of a filing with the California Building Standards Commission of the City's amendments, the provisions of the BSC and the related regulations of the Department of Housing and Community Development are applicable within the City, without amendment.

The BSC is a compilation of three types of building standards from three different origins:

1. Building standards that have been adopted by state agencies without change from building standards contained in national model codes.
2. Building standards that have been adopted and adapted from the national model code standards to meet California conditions.
3. Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The purpose of the proposed ordinance is to make the requisite findings regarding the local climatic, topographic or geological conditions that require the adoption of more restrictive standards than provided in the BSC and to adopt the amendments proposed by the City's Building Official. In order to adopt the proposed amendments that provide more stringent requirements, the City Council must make findings supporting that the amendments are necessary due to local climatic, topographic or geological conditions. Following are the proposed findings for amendments to the Building Code:

Climatic Conditions: Extreme temperatures and high winds are conditions necessitating modifications to the adopted codes.

The community experiences frequent extreme temperatures of 100 degrees Fahrenheit or higher. Insulating exterior walls of all single family residential garages with R-13 insulation minimum, and sealing all doors from the elements and additional combustion air vents will help decrease energy costs to heat and cool a building and make them more energy efficient.

The City experiences frequent and severe Santa Ana winds reaching gusts of 90 miles per hour or higher. These adverse climatic conditions increase the likelihood of concrete roof tiles or shingles being blown off of roofs. An approved method of attachment for wind up-to 90 miles an hour on each tile shall be required. This will also prevent birds or other animals from entering the roof. Also, there is an increased likelihood that free standing signs will be damaged by high winds and cause a hazard for passing pedestrians by fallen debris. Requiring stricter anchoring standards for free standing signs will decrease the likelihood of any hazards to pedestrians.

Topographical Conditions: The City experiences areas where severe slopes exist and drainage from rainfall causes property damage due to soil erosion from runoff. Retaining walls must be constructed to retain soil from cut and fill operations. Such walls must be water proofed and drainage systems installed to properly drain runoff.

The following are the proposed findings for amendments to the Fire Code:

1. The climate weather patterns within the City of Desert Hot Springs include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss in vegetation and structure fires. Summer temperatures exceeding one hundred twenty degrees (120°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.

3. Because of weather patterns, the City of Desert Hot Springs has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the City of Desert Hot Springs are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the large country clubs.
5. The City of Desert Hot Springs has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.
6. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
7. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.
8. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.
9. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

As indicated above, local climatic and geological conditions require the adoption of more stringent measures. If this ordinance is not adopted, as of January 1, 2014, the provisions of the California Building Standards Codes effective on that date would permit the construction within the City of many new buildings and structures without compliance with these heightened standards. As such, Staff recommends that the City Council find that the proposed amendments set forth in the ordinance are necessary for the preservation of the public health, welfare and safety.

FISCAL IMPACT

The City will continue to collect building permit fees which are based on building valuations. These fees are one time revenues.

EXHIBIT

1. 2013 California Building Code Urgency Ordinance.