

URGENCY ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING TITLE 15 OF THE DESERT HOT SPRINGS MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2013 CALIFORNIA BUILDING STANDARD CODES AND CERTAIN SPECIFIED APPENDICES THEREOF, INCLUDING THE 2013 CALIFORNIA BUILDING CODE, 2013 CALIFORNIA ELECTRICAL CODE, 2013 CALIFORNIA MECHANICAL CODE, 2013 CALIFORNIA PLUMBING CODE, 2013 CALIFORNIA FIRE CODE, 2013 CALIFORNIA ENERGY CODE, 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 CALIFORNIA RESIDENTIAL CODE, 2013 CALIFORNIA EXISTING BUILDING CODE AND THE 2013 HISTORICAL BUILDING CODE AND MAKING CERTAIN FINDINGS IN SUPPORT OF SPECIFIC ADDITIONS, DELETIONS AND/OR AMENDMENTS THERETO, ADOPTING THE 1997 UNIFORM HOUSING CODE**

**WHEREAS**, the State has adopted and approved the 2013 edition of the California Building Standards Code (Code), which are published in Title 24 of the California Code of Regulations and are based on the latest national, uniform and international model building codes; and

**WHEREAS**, the Code was published in July, 2013 and will become effective and applicable to any building or structure for which application for a building permit is made on or after January 1, 2014; and

**WHEREAS**, pursuant to the California Building Standards Law (Health & Safety Code section 18941.5(b)), the City is permitted to adopt amendments to the Code provided the amendments are more restrictive than the State adopted standards and are supported by findings of the City Council that the amendments are necessary due to local climatic, topographic or geological conditions; and

**WHEREAS**, on November 13, 2013, the City Council of the City of Desert Hot Springs conducted a duly noticed public hearing to consider certain amendments to the building and construction standards set forth as Part 2 of the Code (24 Cal. Code of Regs. §§ 101 et seq.) which were proposed by the City's Building and Fire Officials as more stringent than the standards established by the Code and reasonably necessary to protect the health, welfare and safety of the citizens of Desert Hot Springs because of local climatic, topographic and geological conditions; and

**WHEREAS**, at the conclusion of the public hearing at which evidence was presented and duly considered, the City Council found that the amendments recommended by the Building and Fire Officials were reasonably necessary to protect the health, welfare and safety of the citizens of Desert Hot Springs because of local climatic, topographic and geological conditions; and

**WHEREAS**, Government Code section 36937 provides that the City may adopt an ordinance that takes effective immediately when adopted for the immediate preservation of the public peace, health or safety, providing the ordinance contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS  
DOES ORDAIN AS FOLLOWS:**

**SECTION 1 FINDINGS**

(A) The City Council of the City of Desert Hot Springs finds that in order to best protect the public health, safety and welfare of the citizens of the City of Desert Hot Springs, the standards of building within the City must conform to state law, except where local climatic, geological and topographic conditions warrant more restrictive regulations. Therefore, the City Council should adopt the current state building codes, contained in California Building Standards Code Title 24, the 1997 Uniform Housing Code, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein. Pursuant to Health & Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council makes the factual findings set forth in Exhibit "A," attached hereto, and incorporated herein by reference, and finds that the modifications to the California Building Standards Code are reasonably necessary because of the local climatic, geological or topographical conditions described in Exhibit A.

(B) California State law requires localities, such as the City of Desert Hot Springs, to adopt the 2013 California Building, Electrical, Mechanical, Plumbing, Fire, Energy, Historical Building, Residential Building, Existing Building, Green Building, and 1997 Uniform Housing Code, any modifications thereto, by January 1, 2014. The City Council finds that it is essential and imperative that the City adopt this Ordinance, adopting by reference the above-listed 2013 California Building Standards Codes and the 1997 Uniform Housing Code, and modifications necessitated by local topographical, geological, and climatic conditions by that date. The City Council further finds that in the absence of legislation effective by January 1, 2014, technical codes adequate to meet the City's special circumstances will not be in effect and hazards will be posed that would immediately threaten the public peace, health, and safety. Accordingly, the City Council finds that this Ordinance is necessary, and is adopted for the immediate preservation of public peace, health and safety of the City and its residents.

(C) The City Council hereby finds that the proposed amendments to the Fire Code are reasonable and necessary because of local climactic, geologic and topographical conditions within the City of Desert Hot Springs. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary.

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.

(D) The following finding is made in support of the adoption of this ordinance as an Urgency Ordinance:

1. Local climatic and geological conditions set forth above require the adoption of stringent protection measures. If this ordinance is not in place prior to 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 and the rehabilitation of certain existing buildings without the more stringent protection measures proposed. As indicated in the prior Findings section and in Exhibit "A", these conditions would create a danger to public health, safety and welfare within the City. As such, the City Council finds that the passage of this ordinance as an urgency ordinance is necessary for the immediate preservation of the public health, welfare and safety.

## **SECTION 2. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA BUILDING CODE.**

Section 15.08.030 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

### **15.08.030 California Building Code**

#### **A. General**

In accordance with California Government Code Section 50022.2, the 2013 California Building Code based on the 2011 International Building Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any additions or amendments thereto as may be set forth in this title.

## **B. Signs**

Free standing signs shall be anchored for high winds; the method of anchoring shall be approved by the City's Building Division.

## **C. Roofs**

Roofs using concrete or clay tiles shall have an approved method of attachment for sustaining winds of ninety (90) miles per hour, and shall have an approved method of preventing birds or other animals from entering the roof. Said approvals shall be obtained from the City's Building Division.

## **D. Residential Garages**

All single family residential garages shall be insulated with R-13 minimum. All garage doors shall be sealed from the elements. At its discretion, the City Building Division may require an additional air combustion vent at the time of plan review.

## **E. Retaining Walls**

Retaining walls shall be water proof and drainage shall be installed in a manner approved by the City's Building Division.

### **SECTION 3. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA ELECTRICAL CODE.**

Section 15.08.050 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

#### **15.08.050 California Electrical Code**

In accordance with California Government Code Section 50022.2, the 2013 California Electrical Code based on the 2011 National Electric Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

### **SECTION 4. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA MECHANICAL CODE.**

Section 15.08.060 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

#### **15.08.060 California Mechanical Code**

In accordance with California Government Code Section 50022.2, the 2013 California Mechanical Code based on the 2012 Uniform Mechanical Code is adopted by reference, and

shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 5. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA PLUMBING CODE.**

Section 15.08.070 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

**15.08.070 California Plumbing Code**

In accordance with California Government Code Section 50022.2, the 2013 California Plumbing Code based on the 2012 Uniform Plumbing Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 6. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA FIRE CODE.**

Section 15.08.080 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

**15.08.080 California Fire Code**

In accordance with California Government Code Section 50022.2, the 2013 California Fire Code based on the 2012 International Fire Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code with the following amendments:

1. A new Section 104.3.2 is added to Section 104.3 of the California Fire Code to read as follows:

104.3.2. Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the City Council.

2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of Riverside County pertaining to the following:

- a. The prevention of fires.
- b. The suppression or extinguishment of dangerous or hazardous fires.
- c. The storage, use and handling of hazardous materials.
- d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
- e. The maintenance and regulation of fire escapes.
- f. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
- g. The maintenance of means of egress.

- h. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:

- a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
- b. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
- c. The Police Chief and any Police Officer of any city served by the Desert Hot Springs Police Department.
- d. Officers of the California Highway Patrol.
- e. Code Officers of the City of Desert Hot Springs Enforcement Department.
- f. Peace Officers of the California Department of Parks and Recreation.
- g. The law enforcement officer of the Federal Bureau of Land Management.

3. A new Section 104.12 is added to Section 104 of the California Fire Code to read as follows:

104.12 Authority of the Fire Chief. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board of Supervisor and/or City Council, whichever has jurisdiction, within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel.

4. Section 109.4 of the California Fire Code is not adopted.

## DEFINITIONS

Section 202 of the California Fire Code is amended to add the following definitions:

**CALIFORNIA FIRE CODE.** The 2013 Fire Code part of the California Building Standard Code, also known as California Code of Regulations, Title 24, Part 9.

**CALIFORNIA RESIDENTIAL CODE.** California Code of Regulations, Title 24, Part 2.5.

**FIRE CHIEF.** The Fire Chief of Riverside County or the Fire Chief's designee.

**FIRE PROTECTION ENGINEER.** A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

**HAZARDOUS FIRE AREA.** Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

**SKY LANTERN.** An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

#### **AMENDEMENT AND ADDITIONS OPEN FLAMES**

Section 308.1.6 of the California Fire Code is amended to add the following new section:

**Section 308.1.6.3 Sky Lanterns or similar devices.** The ignition and/or launching of a Sky Lantern or similar device is prohibited.

**Exception:** Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

#### **FIRE SAFETY AND EVACUATION PLANS.**

Section 404.2 of the California Fire Code is amended to add the following:

16. Windowless buildings having an occupant load of fifty (50) or more.

#### **FIRE APPARATUS ACCESS ROADS.**

Section 503 of the California Fire Code is adopted in its entirety with the following amendments:

1. Section 503.1.1 of the California Fire Code is amended to add the following exception:

**Exception:** Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

2. Section 503.2.2 of the California Fire Code is hereby amended to read as follows:

**503.2.2 Authority.** The fire code official shall be the only authority authorized to designate fire apparatus access roads, fire lanes and modify the minimum fire lane access widths for fire or rescue operations.

3. Section 503.3 of the California Fire Code is deleted in its entirety and replaced with the following:

503.3 Marking. Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curbs exists or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.

4. A new Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

#### ACCESS TO BUILDING OPENINGS AND ROOFS

1. Section 504.1 of the California Fire Code is amended to add the following language to the end of the first paragraph:

Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement. This distance from the building to finished grade shall be determined by the Fire Chief.

#### FIRE PROTECTION WATER SUPPLIES

1. Section 507.5.5 of the California Fire Code is amended to add the following language:

507.5.5 Clear Space Around Hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

2. A new Section 507.5.7 is added to Section 507 of the California Fire Code to read as follows:

507.5.7 Fire hydrant size and outlets. Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard—one (1) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

2. Super Hydrant Standard—one (1) four (4) inch outlet, and two (2) two and one half (2 ½) inch outlet.



3. Super Hydrant Enhanced—two (2) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

3. A new Section 507.5.8 is added to Section 507 of the California Fire Code to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

#### FIRE COMMAND CENTER

1. Section 508.1 of the California Fire Code is amended as follows:

Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1 through 508.1.5.

2. Section 508.1.3 of the California Fire Code is amended to add the following Exception as follows:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m<sup>2</sup>) with a minimum dimension of 8 feet (2438 mm)

3. Section 508.1.5 of the California Fire Code is amended to add the following Exception as follows:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contain features 5, 8, 10, 12, 13 & 14. All other features shall be provided only when the building contains the respective system/functionality.

#### MECHANICAL REFRIGERATION.

1. Section 606.10.1.2 of the California Fire Code is amended to read as follows:

606.10.1.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

#### AUTOMATIC SPRINKLER SYSTEMS.

1. Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in

Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence. The following exceptions in the California Fire Code shall not be allowed:

- a. Exception in Section 903.2.3
- b. Exception in Section 903.2.6
- c. Exception in Section 903.2.11.3

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

2. Section 903.3.5.3 of the California Fire Code is added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

#### DESIGNATION OF HIGH-PILED STORAGE AREAS.

A new Section is added to Section 3204.2 of the California Fire Code to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

#### FIRE HAZARD SEVERITY ZONES.

A new Section is added to Section 4904 of the California Fire Code to read as follows:

4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

## APPENDICES TO CALIFORNIA FIRE CODE

The appendices to the California Fire Code are adopted in their entirety except as to the following: A. Appendix B.

Exception 1 of Section B105.2 is amended to read as follows:

Exception 1: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

B. Appendix C.

1. Section C102.1 Fire hydrant locations is amended to read as follows:  
Fire hydrants shall be provided at street intersections and along required fire apparatus access roads and adjacent public streets.

C. Appendix D. Appendix D shall not be adopted.

D. Appendix I. Appendix I shall not be adopted.

E. Appendix J. Appendix J shall not be adopted.

F. Appendix K. Appendix K shall not be adopted.

### **SECTION 7. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA ENERGY CODE.**

Section 15.08.100 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

#### **15.08.100 California Energy Code**

In accordance with California Government Code Section 50022.2, the 2013 California Energy Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

### **SECTION 8. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA HISTORICAL BUILDING CODE.**

Section 15.08.120 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

#### **15.08.120 California Historical Building Code**

In accordance with California Government Code Section 50022.2, the 2013 California Historical Building Code is adopted by reference, and shall be used to implement, administer and enforce

the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 9. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA RESIDENTIAL CODE.**

Section 15.08.140 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

**15.08.140 California Residential Code**

In accordance with California Government Code Section 50022.2, the 2013 California Residential Code based on the 2012 International Residential Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 10. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA EXISTING BUILDING CODE.**

Section 15.08.150 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

**15.08.150 California Existing Building Code**

In accordance with California Government Code Section 50022.2, the 2013 California Existing Building Code based on the 2012 International Existing Building Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 11. AMENDMENT OF THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE ADOPTING THE 2013 CALIFORNIA GREEN BUILDING CODE.**

Section 15.08.160 of Chapter 15.08 (California Building Standards Code) of Title 15 (Buildings and Construction) is hereby amended to read in its entirety as follows:

**15.08.160 California Green Building Code**

In accordance with California Government Code Section 50022.2, the 2013 California Green Building Code is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title.

**SECTION 12. CALIFORNIA BUILDING STANDARDS COMMISSION**

The City Clerk is hereby directed to file this Ordinance and the attached Exhibit A with the California Building Standards Commission, in accordance with Health and Safety Code Section 17958.7.

**SECTION 13. CEQA.**

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") (California Public Resources Code § 21000 *et seq.*) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines, (Title 3, California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The City Council therefore approves and adopts the Notice of Exemption, and directs staff to file the Notice of Exemption as authorized by law.

**SECTION 14. SEVERABILITY.**

If any part of this Ordinance, or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the ordinance, including the application or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

**SECTION 15. EFFECTIVE DATE.**

This Urgency Ordinance shall be passed and adopted at one and the same meeting, if adopted by four-fifths vote of the City Council, and shall become effective on January 1, 2014. The reasons for this urgency are set forth in Section 1 of this Urgency Ordinance.

**SECTION 16. POSTING AND PUBLISHING.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

**(RECORD OF VOTE AND SIGNATURES ON FOLLOWING PAGE)**

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the 3<sup>rd</sup> day of December, 2013 by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, City Clerk

\_\_\_\_\_  
Adam Sanchez, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, City Attorney

## EXHIBIT A

### FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE TITLE 24, PART 2

#### **CHANGES OR MODIFICATIONS:**

Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Desert Hot Springs in its ordinance adopting and amending the 2013 Editions of the California Building Standards Administrative Code; California Building Code; California Residential Building Code; California Electrical Code; California Mechanical Code; California Plumbing Code; California Energy Code; California Historical Building Code; California Existing Building Code; and California Reference Standards Code, adds certain provisions to the California Building Standards Code.

#### **FINDINGS:**

Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the City Council of the City of Desert Hot Springs has determined and finds that all of the additions are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

#### **LOCAL CONDITIONS:**

**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 or 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.