



RANCHO PALOS VERDES

PUBLIC HEARING

Date: January 16, 2008

Subject: Adoption of Revised State Building Codes and the Los Angeles County Fire Code

Subject Property: Citywide

1. **Declare the Hearing Open:** Mayor Stern
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Director of Planning Rojas
4. **Public Testimony:**

Appellants: N/A

Applicant: N/A

5. **Council Questions:**
6. **Rebuttal:**
7. **Declare Hearing Closed:** Mayor Stern
8. **Council Deliberation:**
9. **Council Action:**



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT
DATE: JANUARY 16, 2008
SUBJECT: ADOPTION OF REVISED STATE BUILDING CODES AND THE L.A. COUNTY FIRE CODE
REVIEWED: CAROLYN LEHR, CITY MANAGER *cl*

RECOMMENDATION

ADOPT ORDINANCE NO. 468, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING TITLE 15 OF THE RANCHO PALOS VERDES MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES, WHICH ARE CODIFIED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, AND THE 2008 LOS ANGELES COUNTY FIRE CODE, WHICH IS TITLE 32 OF THE LOS ANGELES COUNTY CODE, AND RELATED MODEL CODES, WITH APPENDICES AND AMENDMENTS THERETO.

BACKGROUND

Every three years the California Building Standards Commission publishes the California Building Standards Code. The California Building Standards Code is a compilation of building standards that apply to all occupancies in California. It includes the building code, plumbing code, electrical code, mechanical code, fire code, administrative code, and energy code, among others. The California Building Standards Code becomes effective within 180 days following publication of those codes by the State (in this case January 1, 2008). Any city, however, may establish more restrictive building standards than those in the California Building Standards Code if the amendment is necessary because of local climatic, geological or topographical conditions. If a city fails to adopt those amendments by January 1, 2008, the codes published by the state will become law automatically and the City will lose its ability to enforce its local amendments.

On December 18, 2007, the City Council introduced the above described ordinance and set a public hearing for January 16, 2008 for adoption of said ordinance. In addition, the City Council adopted a similar Urgency Ordinance (Ordinance 469U) to ensure that the provisions of the new State Building Codes and Fire Code were in effect on January 1, 2008. The public hearing for adoption of this ordinance has been duly noticed and no comments have been received.

DISCUSSION

The ordinances attached for your review adopt by reference the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and the 2006 Edition of the International Property Maintenance Code, which includes the Housing Code and Dangerous Buildings Code, and the Los Angeles County Fire Code (“technical codes”). The ordinance continues those local amendments that have been adopted by the City Council in the past such as seismic upgrades, pool safety fencing, and grading, and also includes changes to the technical codes. As in the past, the City is adopting the 2008 County Fire Code, which in turns adopts the 2007 California Fire Code with amendments.

There are some policy issues related to the adoption of the new codes where Staff sought and received direction from the Council at the last meeting. In addition, there are some new policy issues that Staff is seeking direction from the City Council. All of these policy issues are summarized below.

Firework Displays

One local amendment to the Fire Code that the City has previously adopted and which is contained in the attached ordinance relates to the issuance of permits for fireworks displays by the City Council. Those provisions are contained in Section 8.08.020 of the Municipal Code (page 1 of attached Ordinance No. 468). At the December 18th, City Council meeting, the City Council directed Staff to leave those sections as they presently are written.

Penalty Fees

At the December 18th meeting, the City Council was asked to consider the policy issue of whether to increase the penalty fees that are paid for “after-the-fact” approval of structures. Currently, the City charges a double penalty fee for an application seeking approval of any improvement that was constructed without having first received all required permits. As directed by the City Council on December 18th, Section 113 of the attached ordinance has been amended to establish a triple penalty fee for after-the-fact approvals.

Time Limits for Construction Activity

One local amendment in the City’s current code amends the provisions of the Uniform Administrative Code regarding the expiration of permits issued by the City’s Building and Safety Division. This local amendment is contained on Section 15.18.050 of the Administrative Code (page 10 of attached Ordinance No. 468) and reads as follows:

105.5 Expiration. Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not completed through final inspection within the allowed time from the date of issuance of

such permit, which time shall be as follows: up to 5,000 square feet, 18 months; 5,000 to 10,000 square feet, 24 months; over 10,000 square feet, 30 months. For good cause, upon initial application for a permit, the Building Official may establish a different expiration date when it is anticipated such date will be necessary to complete construction due to extenuating circumstances. Upon expiration, before work under the permit can be recommenced, a new permit shall be obtained. Such new permit shall be valid for 24 months, and the fee therefor shall be one half the amount required for a new permit for such work, if new changes have been made or will be made in the original plans and specifications for the work and not more than one year has passed since the expiration of the permit; otherwise, such new permit shall be subject to all terms and conditions applicable to new permits.

In summary, depending upon the size of a given project, building permits are initially valid for eighteen (18) to thirty (30) months, with provisions for the Building Official to grant a single, 6-month extension. However, it should be noted that if the work is not completed, the City's current local amendment does not prevent an applicant from applying for and receiving a new permit, with a brand new timeline clock, to finish the construction related to the previous expired permit. In addition, there is no limit to the number of separate permits that may be pulled by a property owner at a particular address, with each permit having its own expiration deadline.

Staff estimates that about 90% of all the construction projects for which City building permits are issued are completed within the City's prescribed permit time limits. A small number of projects necessitate extensions by the City's Building Official, as provided for in the City's Building Code. Very few projects actually get into the realm of not being completed by the total time allowed by the Code. Nonetheless, as the City Council is aware, from time to time, the issue of long-lasting construction activity has been raised by neighbors adjacent to a project under construction. The two cases that have come before the City Council for remedy in the last few years have been the construction project at 2 Yacht Harbor and a construction project at 28951 Palos Verdes Drive East.

Given that instances where construction projects need extensions to be completed are in the minority and instances where the maximum time limits are exceeded are rare, Staff does not believe that there is a pressing need to change the City's current local amendment related to construction time limits. Furthermore, although the allowance for builders to apply for a new permit to finish construction related to an expired permit may seem as a loophole that prolongs construction, Staff believes that taking away such an avenue would create larger problems as uncompleted construction projects would not be allowed to be finished, leaving projects to become uncompleted eyesores and code enforcement abatement challenges that will cost the City additional money in staff time and attorney's fees. As such, Staff recommends no changes to this local amendment. If the City Council feels otherwise, Staff seeks direction from the City Council as to whether to allocate resources to study whether the City's construction time limits should be modified.

Drainage Review for Hardscape Projects

The State Building Code, which the City had previously adopted by reference, established a list of projects that are exempt from a permit. One classification of such exempt projects has been "platforms, walks and driveways not more than 30 inches above grade". Throughout the City's history, the City's various building officials have determined that any

“hardscape” improvements (such as walkways, at grade decking, slabs, tiled areas, etc.) to a property meet this exemption and thus do not require a permit. As such, drainage review of such improvements is not performed. The new revised state code contains the same type of exemption, which now is described as “sidewalks and driveways not more than 30 inches above adjacent grade”.

Last week, a resident raised a concern to Staff and Councilman Gardiner that her upslope neighbor at 27 Mustang Road had received approval from the City to construct a new 228 square foot concrete fire pit/patio area in the rear yard without drainage review. The neighbor’s concern was prompted by the fact that her upslope neighbor’s property (along with the upslope neighboring property) drains into a private pipe that outlets onto her driveway and that the additional impermeable “hardscape” of the fire pit/patio area will add more water to what she believes to be an already deficient private drain pipe. It just so happens that this is the same drain pipe that is the subject of a civil dispute between Tina Maron, resident at 6 Bronco Drive, and her upslope neighbor, Mr. Bill Powell, resident at 25 Mustang Road with regards to a slope failure that occurred in the middle of a rainstorm on the private slope between their respective building pads. The City Council may recall that at the request of Ms. Maron, the City Council reviewed the City’s drainage review process on February 7, 2006 and made no changes to the process. Furthermore, the City Council may also recall that Ms. Maron filed a claim against the City alleging City responsibility for the slope failure and also threatened litigation against the City which prompted the City Council to review the facts of the matter in closed session, which resulted in no action being taken by the City Council. It should also be noted that Ms. Maron did file a lawsuit against Mr. Powell alleging that his actions caused the slope failure and thus he is responsible for its repair. In October 2007, a jury trial found in favor of Mr. Powell. The private slope has still not been repaired.

Given the more recent situation involving the approval of the fire pit/patio area at 27 Mustang Road that could cause more run-off into a drain that would not be approved today by the City, Councilman Gardiner has expressed a desire to discuss the lack of City drainage review for hardscape improvements. Thus, Staff is raising this issue now so that the City Council can discuss this policy issue and provide staff with direction.

Given the situation at 27 Mustang Road, there may be an inclination to perhaps amend the City’s codes to require the drainage review of hardscape, particularly since the runoff caused by 300 square feet of hardscape versus 300 square feet of addition would seem to be the same. However, there are other factors that also need to be considered such as the likelihood of runoff from hardscape improvements, which tend to be flat and in the middle of large landscaped yards, creating drainage problems versus the run-off from structures which tend to have more concentrated flows and increased drainage impacts. Also, there is the issue of cost impacts to the residents. It could end up being pretty costly and frustrating for residents to have to prepare a drainage plan for a simple concrete patio improvement. Staff estimates that it would cost anywhere from \$500 to \$2000 to hire a licensed engineer to prepare a drainage plan for a hardscape project such as adding a 300 square foot patio slab. In addition there would be the cost of installing the drainage system to drain the hardscape area. While spending up to \$2000 to have a professional prepare a drainage plan for an addition is sometimes met with disdain by applicants, having to prepare one for a simple landscaping project could cause residents to forego such projects or pursue them without city approval. Furthermore, even if such drainage review is limited to situations adjacent to slopes, it would still affect thousands of property owners in the City given the topography of the City.

As such, given the circumstances noted above, Staff recommends no changes to the drainage review requirements. However, if the City Council feels otherwise, Staff seeks direction from the City Council as to whether to allocate resources to study whether the City's drainage review should be expanded to include certain hardscape projects and to determine the projects that would be subject to review and the criteria that should be applied. Given the engineering related issues, if the City Council wishes Staff to study this issue, Staff would need to contract the services of a civil engineer and hydrologist and would need to come back for a budget adjustment to pay for such services.

CONCLUSION

Staff recommends that the City Council adopt the attached ordinance adopting the new California Building, Plumbing, Electrical and Mechanical codes and the new L.A. County Fire Code with all the related models codes, appendices and local amendments.

ALTERNATIVES

The following alternatives are available in addition to Staff's recommendation:

1. Hold off on adopting the attached ordinance as presented and direct Staff to dedicate resources to investigate modifications to the City's construction time limits and to bring back other time limit options for possible adoption into the new code at a future date.
2. Hold off on adopting the attached ordinance as presented and direct Staff to dedicate resources to investigate drainage review procedures for certain hardscape improvements and to bring back its recommendations for possible adoption into the new code at a future date.

FISCAL IMPACT

There are no fiscal impacts to the City associated with this decision, since the City already implements the former versions of the State technical codes.

Attachments:

Ordinance No. 468

ORDINANCE NO. 468

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES, WHICH ARE CODIFIED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, THE LOS ANGELES COUNTY FIRE CODE, WHICH IS TITLE 32 OF THE LOS ANGELES COUNTY CODE, AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION, WITH APPENDICES AND AMENDMENTS THERETO; AND AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.08 of Title 8 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“Chapter 8.08
“FIRE CODE

“Sections:

8.08.010	Fire Code adopted.
8.08.020	Fire Code amended – Fireworks displays.
8.08.030	Violations – Penalties.
8.08.040	Responsibility.
8.08.050	List of infractions.

“8.08.010 Fire Code adopted.

A. Except as hereinafter provided in this Chapter, Title 32, Fire Code, of the Los Angeles County Code, as amended and in effect on January 1, 2008, which constitutes an amended version of the California Fire Code, 2007 Edition, published by the California Building Standards Commission, including Appendix Chapter 1, Appendix A and B, is hereby adopted by reference and shall constitute and may be cited as the Fire Code of the City of Rancho Palos Verdes.

B. In the event of any conflict between provisions of the California Fire Code, 2007 Edition, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Rancho Palos Verdes Municipal Code, the provision contained in the Municipal Code shall control. A copy of the Fire Code shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

8.08.020 Fire Code amended – Fireworks displays.

A. Notwithstanding the provisions of Section 8.08.010, Section 3308.1.2 is added to the Fire Code to read:

“3308.1.2 Displays. Permits are required from the City to conduct a fireworks display. The City Council shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks or other organizations. Every such display shall be handled by a competent

operator approved by the City Council, and shall be of such character and so located, discharged or fired as in the opinion of the City Council after proper investigation, so as not to be hazardous to property or endanger any person.

Applications for permits shall be made in writing to the Fire Chief not less than thirty days in advance of the date of display or other use. The Fire Chief shall within ten days after receipt of said application make a report and recommendation to the City Council. If the City Council finds that such display can be made without danger or nuisance to the general public, it shall grant the permit; otherwise it shall deny it. If the City Council finds that such display as applied for may create danger or nuisance to the public, but that if displayed subject to conditions may not create such danger or nuisance, it shall grant the permit subject to conditions. After such permit is granted, sale, possession, use and distribution of fireworks for such display subject to the conditions of this Chapter and such other conditions, if any, as may be imposed by the City Council, is lawful for the purpose only for which such permit is granted. In all cases the decision of the City Council shall be final."

B. Notwithstanding the provisions of Section 8.08.010, Section 3308.1.3 is added to the Fire Code to read:

"3308.1.3 Insurance. The permittee shall furnish a certificate of insurance in an amount deemed adequate by the City Council for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors.

The policy shall provide limits of bodily injury and property damage liability of not less than two million dollars (\$2,000,000) combined single limits for each occurrence annually. The policy may have a deductible not to exceed fifteen thousand dollars (\$15,000). A deductible in excess of fifteen thousand dollars (\$15,000) may be permitted provided a security deposit, such as, but not limited to, a surety bond, pledge of assets or bank letter of credit covering the value of the excess is approved by the City Council.

The certificate of insurance shall provide that the insurer will not cancel the insured's coverage without fifteen (15) days prior written notice to the City, that the City shall not be responsible for any premium or assessments on the policy, and that the duly licensed pyrotechnic operator required by law to supervise and discharge the display, acting either as an employee of the insured or as an independent contractor and the City, its officers, agents, and employees are included as additional insureds, insofar as any operations under this Section are concerned."

8.08.030 Violations – Penalties.

A. Every person violating any provision of the fire code or of any permit or license granted hereunder, or any rule, regulation or policy promulgated pursuant hereto, is guilty of a misdemeanor unless such violation is otherwise declared to be an infraction by Section 8.08.050 of this chapter. Each such violation is a separate offense for each and every day during any portion of which such violation is committed.

B. Every violation determined to be a misdemeanor hereunder is punishable in such manner and to such extent as is provided by 1.08.010(B) of this Code. Every violation determined to be an infraction hereunder is punishable in such manner and to such extent as is provided by Section 1.08.010(B) of this Code.

C. For the purposes of this section a forfeiture of bail shall be equivalent to a conviction.

8.08.040 Responsibility.

Any person who personally or through another willfully, negligently, or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by such person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner not in accordance with nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the chief, or willfully or negligently allows the continuation of a violation of the fire code and amendments thereto is liable for the expense of fighting the fire or for the expense incurred during a hazardous materials incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectible by the public agency incurring such expense in the same manner as in the case of an obligation under a contract, expressed or implied.

8.08.050 List of infractions.

In accordance with Section 8.08.030 of this Chapter, the violation of the following sections or subsections of the fire code shall be infractions:

303	Asphalt kettles
304.1	Waste combustibles
304.2	Combustible waste - storage
305.2	Hot ashes and other dangerous materials
308	Open flames
308.2.1	Discarding burning objects
310.3	"No smoking" sign
317.2	Clearance of brush - structure
317.2.3	Clearance of brush – extra hazard
318.17	Fire roads and firebreaks
503.4	Obstructing access roadway
503.5.1	Trespassing on a closed road
505.1	Building numbering
508.5.4	Obstruction of fire protection equipment
511	Destruction of signs
605.6	Electrical extension cords
901.6	Failure to maintain alarm system
901.7	Failure to notify fire department
901.8	Tampering with fire equipment
906	Fire extinguishers
1007.6.5	Exit doors identification
1008.1.8.1	Door – locking devices
1009.12	Stairway – storage under
1011.5.2	Required "Exit" sign illumination
1103.2	"No Smoking" signs within aircraft hangers
1208.4	Fire extinguisher – dry cleaning plant
1208.5	No smoking – dry cleaning plant
1303.1	Sources of ignition (dust-producing operations)
1503.2.6	Smoking prohibited

1503.2.7	Welding warning signs
1503.4.3	Combustible debris and metal waste cans
1504.7.8	Discarded filter pads
1505.3.4	Dip tank covers
1505.4.2	Portable fire protection equipment
1506.5	Maintenance – powder coating
1507.1	Maintenance – electrostatic apparatus
1507.5	Maintenance – electrostatic apparatus
1507.5.2	Signs – “Dangerous”
1508.5	Sources of ignition (organic peroxides)
1604.6	“No smoking” – fruit ripening room
1605.1	Housekeeping – fruit ripening room
1903.3.1	Lumber yards - housekeeping
1903.3.1.1	Lumber yards - weeds
2211.2.2	Waste oil storage
2403.12.6.1	Exit sign illumination
2404.21	Vegetation removal
2404.23	Obstructions
3003.4	Storage containers - identification
3003.5	Storage and use of cylinders
3401.6	Housekeeping and maintenance
3403.2	Fire protection
3404.2	Storage tanks
3404.2.3.1	“No smoking” sign
3404.2.4	Storage tanks – sources of ignition
3404.3.3.4	Empty containers
3406.6.1.9	Smoking – tank vehicles
2703.5	Hazardous materials signage
2703.7.1	Hazardous materials – dispensing, use, and handling, no smoking signage
2704.11	Combustible materials - clearance
2705.3.8	Combustible materials - clearance
3807.2	“No smoking” signs – LPG container
3807.3	Combustible material – clearance from LPG container
4603	Failure to obtain proper permit – motion picture production facilities
4604.2	Obstruction of perimeter aisles within sound stages and production facilities
4604.7	Exit obstructions
4611.6	Smoking in non-designated areas
4611.9	Fire Dept. access – motion picture production facilities
4611.11	Failure to maintain – fire protection systems & equipment
4611.12	Blocked or obstructed fire hydrants and appliances
4611.13	Failure to provide fire extinguishers at production sites
4804	Auto wrecking yards – fire access
App. K	Fire prevention regulations – marina
App. K 5.2	Open flame device – boat or marina
App. K 6.4	Portable fire protection equipment
App. K 6.3	Access

SECTION 2. Chapter 15.04 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.04
"BUILDING CODE

"Sections

- 15.04.010 Building Code adopted.
- 15.04.020 Building Code amended – Administrative provisions.
- 15.04.030 Building Code amended – Storm drain precautions.
- 15.04.040 Building Code amended – Specialized foundation requirements.
- 15.04.050 Building Code amended – Pools and spas.

15.04.010 Building Code adopted. Except as hereinafter provided, the California Building Code, 2007 Edition (Part 2 of Title 24 of the California Code of Regulations), including Appendix Chapter 1 and Appendices F, I and J, which incorporates and amends the International Building Code, 2006 Edition, Volumes 1 and 2, published by the International Code Council, is hereby adopted by reference as the Building Code of the City of Rancho Palos Verdes. A copy of the Building Code shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.04.020 Building Code amended – Administrative provisions. The administrative provisions governing the Building Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.

15.04.030 Building Code amended – Storm drain precautions.

Section 3319 is added to the Building Code to read:

"SECTION 3319 - STORM DAMAGE PRECAUTIONS

3319.1 General. No grading permit and/or building permit shall be issued for work unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to protect adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

3319.2 Security Required. A permit shall not be issued for grading involving more than 1000 cubic yards (sum of cut and fill) unless the owner shall first post with the City Engineer security in a form acceptable to the City. The amount of such security shall be based upon the estimated cost of the grading operation including all drainage and other protective devices, as determined by the City Engineer. The amount of such security shall be equal to 1.1 times the estimated cost of the grading operation and all drainage and protective devices.

3319.3 Incomplete Work. Where a grading permit and/or building permit is issued and the work is commenced and the Building Official finds the work may cause significant storm damage hazard, the owner of the site on which the grading is being performed shall file or cause to be filed with the Building Official revised plans which include details of the protective measures described in, and in all other respects follow the provisions of, Section 3319.1.

The revised plans required by this section shall be accompanied by an application for plan checking services and plan checking fees equal in amount of 10 percent of the original grading permit fee.

3319.4 Effect of Noncompliance. Should the owner fail to submit the plans or fail to provide the protective measures required by Sections 3319.1 and 3319.3 by the dates specified therein, it shall cause forfeiture of the grading permit security. Thereupon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are no approved plans, as he or she may deem necessary to protect adjoining property from storm damage. The cost of such action shall be deducted from the grading permit security. Such a failure shall also constitute a violation of the Building Code and may be prosecuted as provided in Section 15.18.040 of this Title.”

15.04.040. Building Code amended – Specialized foundation requirements. Notwithstanding the provisions of Section 15.04.010 of this Article, Chapter 18 of the Building Code is amended by adding Section 1805.10 to read:

“1805.10 Major Alterations or Repairs of Existing Buildings or Structures (Excluding Demolition and Replacement). This section shall apply only to the active landslide areas of the Portuguese Bend Landslide and the Abalone Cove Landslide, as determined by the City Geologist and depicted on the attached map (see Exhibit "A") and shall not apply in other areas of the City or other portions of the Landslide Moratorium Area. A certificate of occupancy or permit under this title may be issued provided:

A. The Building Official will require a Structural Engineering report and design prepared by a Structural Engineer licensed by the State of California. Material specifications shall be minimum concrete $f'(c)=4000$ psi, reinforcing steel ASTM A-615 grade 40 or 60, and continuous inspection by a special inspector is required. Alternate materials shall be subject to approval of the Building Official. Prestressed concrete is not permitted without special approval from the Building Official.

B. Every existing building or structure shall have a structural framework designed to distribute the load of the building uniformly over the entire footprint of the building. The structural framework is designed by determining the total weight of the building and dividing that weight by the area of the building. At the discretion of the Building Official, the soil pressure may be considered as a load and the walls and columns may be considered as reactions. At a minimum, one end bearing wall shall be fixed to the ground by a foundation, at least at one point. All other portions of the structural framework may be supported by adjustable means approved by the Building Official. The structural framework shall be designed to span between all supports.

C. The applicant signs and records with the Los Angeles County Registrar-Recorder a statement in a form approved by the City Attorney that he or she is the owner of the real property and that he or she is aware that the records of the Building Official indicate the property is subject to a physical hazard of a geologic nature.

D. The applicant signs and records an agreement in a form approved by the City Attorney releasing the City and all officers, contract employees, consultants, employees, and agents thereof from any liability for any damage or loss which may result from issuance of such permit.

E. The applicant shall demonstrate that the proposed work on the site or use of the site shall:

1) not adversely affect property by accelerating a geologic hazard; and

2) have sufficient distance to any other structure to preclude damage in the instance of failure, as determined by the Building Official.

F. The applicant shall identify and correct any deficiencies in on-site drainage and sanitary disposal. If the property is not served by sanitary sewers, the applicant shall submit for recordation a covenant, which is satisfactory to the City Attorney, agreeing to support and participate in existing or future sewer and/or storm drain assessment districts and any other geological and geotechnical hazard abatement measures required by the City. Such covenant shall be submitted to the director prior to the issuance of a building permit.

G. The Building Official shall require a geologic report and geotechnical report. Any such geological reports shall be prepared by a certified engineering geologist licensed by the State of California. Any such geotechnical reports shall be prepared by a registered Civil Engineer or soils engineer who is qualified to perform this work. Every report shall contain a finding regarding the effect of the structure or use upon the geological stability of the site and properties outside of the subject property. When both a geological and a geotechnical report are required for the evaluation, the two reports shall be coordinated before submission to the Building Official.

H. This section shall not be interpreted to supersede or waive any other permit or approval required by the Rancho Palos Verdes Municipal Code, including, without limitation, the provisions of Chapter 15.20.

15.04.050. Building Code amended – Pools and spas.

Notwithstanding the provisions of Section 15.04.010 of this Article, Chapter 31 of the Building Code is amended by revising the second paragraph in Section 3109.2 to read:

“SWIMMING POOLS, SPAS, FOUNTAINS, PONDS, AND OTHER MANMADE BODIES OF WATER. Any manmade structure intended for swimming or wading that contains water over 18 inches (610MM) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools.”

Section 3109.4.1 is amended by revising the first sentence to read as follows: “The top of the barrier shall be at least 60 inches.”

SECTION 3. Chapter 15.08 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.08
"ELECTRICAL CODE

“Sections:

15.08.010	Electrical Code adopted.
15.08.020	Electrical Code amended – Administrative provisions.

15.08.010 Electrical Code adopted. Except as hereinafter provided, the California Electrical Code, 2007 Edition (Part 3 of Title 24 of the California Code of Regulations), which incorporates and amends the National Electrical Code, 2005 Edition, published by the National Fire Protection Association, is hereby adopted by reference as the Electrical Code of the City of Rancho Palos Verdes. A copy of the Electrical Code of the City shall be maintained in the office of the City Clerk, and shall be made available for public inspection while the Code is in force.

15.08.020 Electrical Code amended – Administrative provisions. The administrative provisions governing the Electrical Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.”

SECTION 4. Chapter 15.12 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.12
"PLUMBING CODE

"Sections:

- 15.12.010 Plumbing Code adopted.
- 15.12.020 Plumbing Code amended – Administrative provisions.

15.12.010 Plumbing Code adopted. Except as hereinafter provided, the California Plumbing Code, 2007 Edition (Part 5 of Title 24 of the California Code of Regulations), which incorporates and amends the Uniform Plumbing Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as the Plumbing Code of the City of Rancho Palos Verdes. A copy of the Plumbing Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.12.020 Plumbing Code amended – Administrative provisions. The administrative provisions governing the Plumbing Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.”

SECTION 5. Chapter 15.16 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.16
"MECHANICAL CODE

"Sections:

- 15.16.010 Mechanical Code adopted.
- 15.16.020 Mechanical Code amended – Administrative provisions.

15.16.010 Mechanical Code adopted. Except as hereinafter provided, the California Mechanical Code, 2007 Edition (Part 4 of Title 24 of the California Code of Regulations), which incorporates and amends the Uniform Mechanical Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as the Mechanical Code of the City of Rancho Palos Verdes. A copy of the Mechanical Code of

the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.16.020 Mechanical Code amended – Administrative provisions. The administrative provisions governing the Mechanical Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.”

SECTION 6. Chapter 15.18 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.18
"ADMINISTRATIVE CODE

“Sections:

- 15.18.010 Administrative Code adopted.
- 15.18.020 Administrative Code amended – Liability.
- 15.18.030 Administrative Code amended – Appeals.
- 15.18.040 Administrative Code amended – Violations and penalties.
- 15.18.050 Administrative Code amended – Expiration of permits.
- 15.18.060 Administrative Code amended – Section 109.2
- 15.18.070 Administrative Code amended – Required building inspections.
- 15.18.080 Administrative Code amended – Certificate of Occupancy.
- 15.18.090 Administrative Code amended – Prohibited use of building sites.
- 15.18.100 Administrative Code amended – Use and occupancy.

15.18.010 Administrative Code adopted. Except as hereinafter provided, Appendix Chapter 1 of the California Building Code, 2007 Edition, is hereby adopted by reference as the Administrative Code of the City of Rancho Palos Verdes. A copy of the Administrative Code shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.18.020. Administrative Code amended – Liability. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 104.8 of the Administrative Code is amended to read:

104.8 Liability.

A. The Building Official, or his or her authorized representative charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his or her duties, shall not thereby be rendered personally liable, nor shall the City be vicariously liable, for any damage that may accrue to persons or property as a result of any act or omission or by reason of any act or omission in the discharge of his or her duties.

B. Any suit brought against the Building Official or other employee of the City because of such act or omission performed in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the City shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom, other than punitive damages, shall be assumed by the City. The provisions of this paragraph B shall apply only if the Building Official, or his or her authorized representative, is an employee of the City.

C. Such codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the City or any of City's agents or employees be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

15.18.030. Administrative Code amended – Appeals. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 112 of the Administrative Code is amended to read:

“SECTION 112 - APPEALS

In the event that an appeal from a decision of the Building Official regarding interpretation of the technical codes is requested, the Building Official shall seek a code interpretation by the appropriate code writing organization. The Building Code shall be interpreted by the International Code Council. The Mechanical Code shall be interpreted by the International Association of Plumbing and Mechanical Officials. The Plumbing Code shall be interpreted by the International Association of Plumbing and Mechanical Officials or its designated agent. The Electrical Code shall be interpreted by the National Fire Protection Association. The interpretation of the code writing organization shall govern. The cost of obtaining the interpretation shall be paid by the applicant.”

15.18.040. Administrative Code amended – Violations and penalties. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Sections 113.1 and 113.4 of the Administrative Code are amended, and Section 113.5 is added, to read:

“113.1 Violations. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or building service equipment or perform any grading in the City or cause or permit the same to be done contrary to, or in violation of, any of the provisions of this code or any of the technical codes.”

“113.4 Penalties. Any person who violates any provision of this code or any of the technical codes shall be deemed guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation continued or was permitted, and upon conviction is punishable as set forth in Section 1.08.010 of the Rancho Palos Verdes Municipal Code.”

“113.5 Penalty fees. The permit fees and charges made pursuant to Title 15 of this code shall be tripled, (not including fees for non structural fixture) when work requiring a permit has been started or continued or finished prior to obtaining permit. The triple fee shall be based on the structural permit fee, or square footage of remodel area, or a minimum fee as established pursuant to city council resolution.”

15.18.050 Administrative Code amended – Expiration of permits. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 105.5 of the Administrative Code is amended to read:

“105.5 Expiration. Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not completed through final inspection within the allowed time from the date of issuance of such permit, which time shall be as follows: up to 5,000 square feet, 18 months; 5,000 to 10,000 square feet, 24 months; over 10,000 square feet, 30 months. For good cause, upon initial application for a permit, the Building Official may establish a different

expiration date when it is anticipated such date will be necessary to complete construction due to extenuating circumstances. Upon expiration, before work under the permit can be recommenced, a new permit shall be obtained. Such new permit shall be valid for 24 months, and the fee therefor shall be one half the amount required for a new permit for such work, if no changes have been made or will be made in the original plans and specifications for the work and not more than one year has passed since the expiration of the permit; otherwise, such new permit shall be subject to all terms and conditions applicable to new permits.

“Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may complete work under that permit when the permittee is unable to complete the work within the time required by this section although proceedings with due diligence. Application for extension shall be filed on forms prescribed by the Building Official and be accompanied by payment of the fee as established by resolution. The Building Official may extend the time for completion of work under the permit by the permittee for a period of time not exceeding 180 days upon finding the permittee has been proceeding with due diligence and that circumstances beyond the control of the permittee have prevented action from being completed. No permit shall be so extended more than once.”

15.18.060 Administrative Code amended – Section 109.2. Section 109.2 is amended by adding the following: “A site investigation will be conducted and a fee will be charged for the investigation, for permits that have expired two times, or have expired for more than two years, or any other expired permit as required by the Building Official. The minimum fee shall be as established pursuant to city council resolution.”

15.18.070. Administrative Code amended – Required building inspections. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 109.6 of the Administrative Code is amended to read:

“109.6 Approval required. Work shall not be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. Such approval shall be given only after an inspection has been made on each successive step in the construction as indicated in subsection 109.3.

“There shall be a final inspection and approval on all buildings, when completed and ready for occupancy, provided however that no such approval shall be given to any new dwelling unit, new commercial building, or new industrial building until there has been full compliance with all requirements of this Code and of Chapter 3.20 of the Rancho Palos Verdes Municipal Code, including payment of the environmental excise tax provided for therein. Upon such compliance the final inspection approval and Certificate of Occupancy shall be issued concurrently by the Building Official.”

15.18.080 Administrative Code amended – Certificate of Occupancy. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 110.1 of the Administrative Code is amended to read:

“110.1 Use and occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates

presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.”

15.18.090. Administrative Code amended – Prohibited use of building sites. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 106 of the Administrative Code is amended by adding Sections 106A.1, 106A.2 and 106A.3 to read:

“106A - GEOTECHNICAL AND GEOLOGICAL HAZARDS

106A.1 Offsite Geotechnical and Geological Hazards. No certificate of occupancy or permit under this title shall be issued under the provisions of this chapter when the Building Official finds that the proposed work on, or change in use of, the site for which the permit is requested could activate or accelerate a geological or geotechnical hazard that could damage other property.

106A.2 Geological and Geotechnical Hazards. Work requiring a certificate of occupancy or permit under this title is not permitted in an area determined by the Building Official to be subject to hazard from any variety of landsliding or settlement or slippage except as allowed by Sections 110A.1 through 110A.6. These hazards include, but are not limited to, loose debris, slopewash, and potential mudflows from natural or graded slopes.

106A.3 Geological and Geotechnical Reports. The Building Official may require a geological or geotechnical report, or both, where, in the Building Official's opinion, such reports are essential for the proper evaluation of the proposed work or use of the site. As part of this evaluation, the Building Official may require a site visit in order to evaluate the need for such reports. A fee for this site visit shall be collected at this time. A geological report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer qualified to perform this work. Every report shall contain a finding regarding the safety of the site, for the proposed structure or use against hazard from any variety of landsliding or settlement or slippage and a finding regarding the effect the proposed building, grading, and/or construction and use of the site will have on the geological stability of the site and/or property outside the site. When both a geological and a geotechnical report are required for the evaluation of the safety of a building site, the two reports shall be coordinated before submission to the Building Official.”

15.18.100. Administrative Code amended – Use and occupancy. Notwithstanding the provisions of Section 15.18.010 of this Chapter, Section 110 of the Administrative Code is amended by adding Sections 110A, 110B and 110C to read:

“SECTION 110A – USE AND OCCUPANCY

110A.1 Safe Site. Subject to the conditions of subsection 106A.1, a certificate of occupancy or permit under this title may be issued in the following cases:

A. When the applicant has submitted a report(s) required by Section 106A.3 that contains sufficient information to satisfy the Building Official that all geological or geotechnical hazards will be eliminated prior to use or occupancy of the land or structure by modifications of topography, reduction of subsurface water, buttresses, or by other means or combination of means and that the proposed work on or use of the site will not adversely affect the subject property or neighboring properties.

B. When the applicant has submitted a report(s) required by Section 110A.3 that contains sufficient information to satisfy the Building Official that the site is not subject to geological or geotechnical hazard.

C. Notwithstanding any provisions of this Subsection, the Building Official may, at his or her discretion, deny a permit for any building, structure or grading subject to a hazard of a geological nature which cannot be mitigated and may endanger the health or safety of the occupants, adjoining property, or the public.

110A.2 Hazard Eliminated. A certificate of occupancy or permit under this title may be issued only if the reports required by Section 106A.3 contain sufficient information to satisfy the Building Official that all geological or geotechnical hazards will be eliminated, prior to use or occupancy of the land or structure, by modification of topography, reduction of subsurface water, buttresses, or by other means or combination of means sufficient to provide a factor of safety of not less than 1.5.

110A.3 Pools and Spas. Subject to the provision of Section 110A.1, a certificate of occupancy or permit under this title may be issued for pools, spas or fish ponds with a capacity less than 2,000 gallons of water provided:

A. The applicant signs and records with the Los Angeles County Registrar-Recorder a statement in a form approved by the City Attorney that he or she is the owner of the real property and that he or she is aware that the records of the Building Official indicate the property is subject to a physical hazard of a geological nature; and

B. The applicant signs and records an agreement in a form approved the City Attorney releasing the City and all officers, employees, consultants and agents thereof from any liability for any damage or loss which may result from issuance of such permit.

110A.4 Outdoor Improvements. Subject to the provisions of Section 110A.1, a certificate of occupancy or permit under this title may be issued for outdoor improvements including, but not limited to, patios, decks or gazebos covering not more than 400 square feet.

110A.5 Repairs and Alterations in Areas of Potential Geological Hazard. Subject to the provisions of Section 110A.1, a certificate of occupancy or permit under this title may be issued in the following cases when the applicant seeks only to alter, repair, or replace existing facilities with no change in grade:

A. **MINOR ALTERATIONS OR REPAIRS WHICH ARE NOT DUE TO GEOLOGICAL CONDITIONS BUT WHICH MAY BE DUE TO GEOTECHNICAL CONDITIONS:** A certificate of occupancy or permit under this title may be issued when the application is for alteration or repair or both not exceeding twenty-five percent (25%) of the value of the existing structure, where there is no increased water use or enlargement, expansion, or extension of the structure and the alterations or repairs are not required due to damage from a geological hazard.

B. **MAJOR ALTERATIONS OR REPAIRS OF CONDITIONS WHICH ARE NOT DUE TO GEOLOGICAL CONDITIONS BUT WHICH MAY BE DUE TO GEOTECHNICAL CONDITIONS:** Subject to the conditions set forth in Section 110A.1, a certificate of occupancy or permit under this title may be issued when the application is for alteration or repair work exceeding twenty-five percent (25%) of the value of the existing structure, where there is no

increased water use or enlargement, expansion, or extension of the structure and the alterations or repairs are not required due to damage from a geological hazard.

C. **MINOR REPAIRS OF CONDITIONS DUE TO UNDERLYING GEOLOGIC CONDITIONS:** Subject to the conditions set forth in Section 110A.1, a certificate of occupancy or permit under this title may be issued when the application is for repair work not exceeding twenty-five percent (25%) of the value of the existing structure, where there is no increased water use or enlargement, expansion, or extension of the structure and repairs are required due to damage from a geological hazard.

110A.6 Expert Advice. In carrying out his or her duties pursuant to this Chapter, the Building Official may consult with and rely upon the advice of a certified engineering geologist, geotechnical engineer, or other person with relevant expertise.

SECTION 110B - FILLS CONTAINING DECOMPOSABLE MATERIAL

Building or grading permits shall not be issued for buildings or structures regulated by this code located within 1,000 feet of fills containing rubbish or other decomposable material unless the fill is isolated by approved natural or man-made protective systems or unless designed according to the recommendation contained in a report prepared by a licensed civil engineer. Such report shall contain a description of the investigation, study and recommendation to minimize the possible intrusion, and to prevent the accumulation, of explosive concentrations of decomposition gases within or under enclosed portions of such buildings or structures. At the time of the final inspection, a licensed civil engineer shall furnish a signed statement attesting that the building or structure has been constructed in accordance with his or her recommendations as to decomposition gases.

Buildings or structures regulated by this code shall not be constructed on fills containing rubbish or other decomposable material unless provision is made to prevent damage to structures, floors, underground piping, and utilities due to uneven settlement of the fill.

SECTION 110C - FLOOD HAZARDS

Buildings are not permitted in an area determined by the Building Official to be subject to flood hazard by reason of inundation, overflow, or erosion.

Buildings and other structures shall be placed on a site so that water or mud flow will not be a hazard to the building or to adjacent property.

Minor structures which are not intended for human habitation such as fences, trellises, patios, decks, spas, pools, and sheds may be placed in flood hazard areas provided:

A. Such placement will not increase the hazard to adjacent property from inundation, erosion, or related causes;

B. Prior to issuance of a permit for such minor structure the owner shall sign and record with the Los Angeles County Registrar-Recorder a statement in a form approved by the City Attorney that the applicant is the owner of the property and is aware that the records of the Building Official indicate that the property is subject to flood hazard by reason of inundation, overflow, or erosion; and

C. The applicant signs and records an agreement in a form approved by the City Attorney releasing the City and all officers, employees, and agents thereof from any liability for damage or loss which may result from issuance of such permit including damage to the minor structure authorized by the permit.”

SECTION 7. Chapter 15.24 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.24
"DANGEROUS BUILDING CODE

“Sections:

- 15.24.010 Dangerous Building Code adopted.
- 15.24.020 Dangerous Building Code amended– Administrative provisions.

15.24.010 Dangerous Building Code adopted. Except as hereinafter provided, the International Property Maintenance Code, 2006 Edition, published by the International Code Council, is hereby adopted by reference as the Dangerous Building Code of the City of Rancho Palos Verdes. A copy of the Dangerous Building Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.24.020 Dangerous Building Code amended– Administrative provisions.

The administrative provisions governing the Dangerous Building Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.”

SECTION 8. Chapter 15.28 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read:

"Chapter 15.28
"HOUSING CODE

“Sections:

- 15.28.010 Housing Code adopted.
- 15.28.020 Housing Code amended – Administrative provisions.

15.28.010 Housing Code adopted. Except as hereinafter provided, the International Property Maintenance Code, 2006 Edition, published by the International Code Council, is hereby adopted by reference as the Housing Code of the City of Rancho Palos Verdes. A copy of the Housing Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force.

15.28.020 Housing Code amended – Administrative provisions. The administrative provisions governing the Housing Code of the City shall be as set forth in the Administrative Code, as adopted in Chapter 15.18 of this Title. Violation and penalty provisions shall be as set forth in Section 113 of the Administrative Code, as amended in Section 15.18.040 of this Title.”

SECTION 9. Findings. The City Council finds as follows:

A. The City is authorized to adopt codes by reference pursuant to Government Code Section 50022.1 and following.

B. In accordance with Health and Safety Code Section 17958.7, it is in the public interest to adopt certain codes with the changes set forth in this ordinance.

C. Pursuant to the requirements of Health and Safety Code Section 17958.7, the City Council finds that there are local geographical conditions justifying the amendments to the California Building Code amendments as set forth below:

1. Climatic. The local climate is characterized by periods of high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the fire department may have great difficulty in controlling fires occurring in hillside brush areas as well as structures not having built-in fire protection. Further, the warm climate encourages the proliferation of swimming pool construction which makes modifications to the California Building Code relating to swimming pools desirable to adequately protect small children from drowning hazards. The City also experiences periods of intense rainfall, which create the need for special drainage precautions.

2. Geological. The City is located in an area with expansive soils and includes hillsides that are subject to mud flows and unstable soils. Special foundation considerations and soils analysis requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas in order to prevent injury to building occupants, neighbors, and persons using public property. Grading operations in the City, which include hilly areas that are already substantially developed, are likely to create hazardous conditions. New construction or additions in an active landslide area must be regulated to ensure that the slide will not be exacerbated and, if possible, will be improved. These factors require specific and greater protection than is afforded by California Building Code.

3. Topographical. The City has hillside and flat land developments that require special drainage precautions, as well as a system of roadways and highways that generate traffic noise. Structures would be subject to water damage without special requirements addressing site drainage.

D. The foregoing local climatic, geologic, and topographic conditions make modifications and changes to the 2007 Edition of the California Building Code and the California Fire Code reasonably necessary to provide sufficient and effective protection of life, health and property. Specifically, these amendments, including local conditions justifying said amendments, are reflected in the Rancho Palos Verdes Municipal Code ("RPVMC") sections summarized below:

1. RPVMC § 8.08.010 adopts the Los Angeles County Fire Code by reference, including amendments to the 2007 California Fire Code contained therein. These amendments are adopted by the City in this Ordinance, and are found by the City Council of the City of Rancho Palos Verdes to be reasonably necessary based on local climate, geology and/or topography. The adopted amendments expand code requirements to insure additional protection due to hot, dry summers, followed by strong Santa Ana winds, which are further accentuated by the topographical features of hills and canyon areas in and adjacent to the City, and heavy winter rains. These climatic conditions make structures in the City particularly vulnerable to rapidly spreading, wind-driven fires. Set forth below are the specific sections of the California Fire Code amended and/or added by the County of Los Angeles and adopted by the City:

- a. CFC Sections 317.2.1, 317.2.2 and 317.2.3 provide defensible space for fire operations that is necessary due to the City's unique climate and topography to reduce risk of fire and to minimize impacts of fire in fire hazard severity zone.
- b. CFC Section 318.12.2 reduces the threat of fires by requiring spark arrestors on chimneys that is necessary due to the City's unique climate and topography to reduce risk of fire and to minimize impacts of fire. Such spark arrestors reduce the likelihood of embers exiting a chimney and igniting a fire.
- c. CFC Section 504.4 restricts the installation of any security barrier, visual barrier, screen which would obstruct firefighter access or egress. Necessary to protect fire fighters and maintain minimum access and egress for fire fighting activities.
- d. CFC Section 607.1 provides requirements for elevators to ensure proper operation in emergency situations and to protect fire-fighting and rescue personnel.
- e. CFC Section 903.1.1.2 provides an additional level of protection to occupancies in case of a fire by requiring installation of automatic fire sprinklers. Necessary because of unique climatic and topographical conditions that increase the risk of fires in fire hazard severity zones. Further necessary because of risk of fire is increased due to the prevalence of earthquakes in the City.
- f. CFC Section 903.2.10.3 provides an additional level of protection to occupancies in case of a fire by requiring installation of automatic fire sprinklers. Necessary because of large number of buildings over three stories in Los Angeles County that increases the risk of fire due to damage or collapse of buildings in the event of earthquakes which occur frequently in the City .
- g. CFC Section 903.4.2 requires installation of fire alarm systems. Audible and visual alarms are necessary to warn both disabled and non disabled persons. Further necessary because of risk of fire is increased due to the prevalence of earthquakes in the City.
- h. CFC Sections 905.2.1 and 905.2.1.3 require installation and other regulation of fire protection system to ensure sufficient performance of standpipe construction, connection and outlets to control fires in the City's hot and windy climate.
- i. CFC Section 905.4 provides installation and regulation of Fire Protection System to ensure proper location of hose connection to control fires in the City's hot and windy climate.
- j. CFC Section 905.5.3 provides installation and regulation of interior wet standpipes to ensure adequate fire protection system due to fires in the City's hot and windy climate.
- k. CFC Section 905.6.1 addresses installation and regulation of Fire Protection System to ensure proper location of hose connection to control fires in the City's hot and windy climate.
- l. CFC Section 905.8 sets forth installation, regulation and requirements of stand-pipe systems to provide fire protection to control fires in the City's hot and windy climate.

m. CFC Section 905.9 provides additional requirements to fire protection system for testing, maintenance and operation to control fires in the City's hot and windy climate.

n. CFC Section 905.12 requires installation and other guidelines related to inlets for fire protection systems in basements. Necessary because of increased danger of fire in the City due to hot and windy conditions.

o. CFC Section 907.1.2.1 prohibits concealing or obstructing fire alarm equipment. Necessary because of increased danger of fire in Los Angeles County due to hot and windy conditions. Further necessary because the risk of fire is increased due to the prevalence of earthquakes in the City.

p. CFC Section 907.2.1.1 requires prerecorded message announcement using an approved electrically supervised voice where occupant load would be over certain levels. Necessary to ensure proper evacuation and other appropriate response in case of fire or other emergency. Further necessary because of risk of fire and need for evacuation is increased due to the prevalence of earthquakes in the City.

q. CFC Section 907.3.1.5 provides requirements for installation and operation of fire alarm system for occupant safety. Necessary to ensure proper notice and evacuation case of fire or other emergency. Necessary because of increased danger of fire in the City due to hot and windy conditions. Further necessary because of risk of fire and need for evacuation is increased due to the prevalence of earthquakes in the City.

r. CFC Section 907.3.1.7 provides requirements for installation of fire alarm system for occupant safety. Necessary because of increased danger of fire in the City due to hot and windy conditions. Further necessary because of risk of fire and need for evacuation is increased due to the prevalence of earthquakes in the City.

s. CFC Section 910.1 provides requirements for installation and operation of smoke and heat vents. Necessary to ensure proper venting of heat and smoke in case of fire. Necessary because of increased danger of fire in the City due to hot and windy conditions.

t. CFC Section 1007.10 provides requirements for signage warning against elevator use in an emergency. Necessary to ensure proper notice and evacuation case of fire or other emergency. Necessary because of increased danger of fire in the City due to hot and windy conditions. Further necessary because of risk of fire and need for evacuation is increased due to the prevalence of earthquakes in the City.

u. CFC Section 1009.12 prevents storage of combustible materials under stairways to help prevent fire in stairways from preventing safe exit in event of fire. Necessary because of increased danger of fire in the City due to hot and windy conditions.

v. CFC Section 1107.9 provides for additional public safety evacuation/landing area on high-rise buildings. Necessary due to large number of high-rise buildings in the City and difficulty in evacuating high-rise buildings in case of fire or other emergency.

w. CFC Section 2308.2.2 provides for effectiveness of sprinkler systems by prohibiting solid shelves, which would restrict water from extinguishing fire on shelves. Necessary because of increased danger of fire in the City due to climatic conditions.

x. CFC Section 3404.2.9.5.1.3 provides for additional spacing between tanks to reduce fire danger and help prevent fire from spreading to adjacent tanks. Necessary because of increased danger of fire in the City due to climatic conditions.

y. CFC Section 2703.11.3.8 creates requirements for floors in building where hazardous materials are used or stored. Necessary to increase fire and life safety and to minimize fire danger from hazardous materials.

z. CFC Section 2704.5 requires installation and proper operation of fire protection system in hazardous material storage areas. Necessary to increase fire and life safety and to minimize fire danger from hazardous materials.

aa. CFC Section 3404.2.8.3 provides guidelines for secondary containment of flammable and combustible liquids that are necessary to increase fire and life safety and to prevent fires involving flammable and combustible liquids from spreading

bb. CFC Section 3404.2.8.16.1 provides installation and regulation of deluge type fire protection System in areas of above ground tanks containing flammable and combustible liquids that are necessary to increase fire and life safety and to prevent fires involving flammable and combustible liquids from spreading.

cc. CFC Section 3404.2.9.1.1 provides safety guidelines and requirements for use of flammable and combustible liquids.

dd. CFC Section 3404.3.7.6 provides construction requirements for liquid storage rooms where flammable and combustible liquids are stored in order to ensure sufficient fire fighting access.

ee. CFC Section 3406.4 provides building construction requirements for bulk plants or terminals that are necessary to increase fire and life safety and to prevent fires and explosions involving flammable and combustible liquids.

ff. CFC Sections 4705.1 and 4705.2 provide additional requirements for construction methods for fire protection in Very High Fire Hazard Severity Zones that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

gg. CFC Section 4708 provides additional requirements for construction methods for exterior wildfire exposure in Very High Fire Hazard Severity Zones that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

hh. CFC Section 4710.1.2 provides additional requirements of fire protection in Very High Fire Hazard Severity Zones for wood-shingle and wood-shake roofs that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

ii. CFC Section 4710.2.3 provides additional requirements for fire protection in Very High Fire Hazard Severity Zones for eave and soffits that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

jj. CFC Sections 4710, 4714 and 4715 provide additional requirements of fire protection in Very High Fire Hazard Severity Zones for exterior walls that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

kk. CFC Section 4716 provides additional requirements of fire protection in Very High Fire Hazard Severity Zones for decking, floors, and underfloor protection that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

ll. CFC Section 4717 provides additional requirements of fire protection in Very High Fire Hazard Severity Zones for ancillary buildings and structures that are necessary due to the City's unique topographical and climatic conditions that have the potential to foster devastating brush fires.

mm. CFC APPENDIX B Section 105.2 provides for additional water flow that is necessary due to the City's unique topographical and climatic conditions that have the potential to foster fires.

nn. CFC Appendix K provides fire protection and safety requirements for City marinas, as may or will exist. Necessary due to unique marina configuration of dense housing in close proximity to boat slips with restricted access due to water

2. RPVMC §15.04.050 amends CBC Section 3109.2 to provide requirements for pool fencing to adequately protect small children from drowning hazards due to warm climate that encourages the proliferation of swimming pool construction and use.

The City Council has determined that the public health, safety and welfare requires the adoption of the foregoing amendments.

SECTION 10. All inconsistencies between the Building Code, Electrical Code, Mechanical Code, Plumbing Code, and Fire Code, as adopted by this Ordinance, and the 2007 edition of the California Building Code, Electrical Code, Mechanical Code, Plumbing Code, and Fire Code, as set forth in Parts 2, 3, 4, 5 and 9, respectively, of Title 24 of the California Code of Regulations, are changes, modifications, amendments, additions or deletions authorized by California Health and Safety Sections 17958.5 and 17958.7.

SECTION 11. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Rancho Palos Verdes Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

SECTION 12. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council of the City of Rancho Palos Verdes hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

SECTION 13. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy hereof to be forthwith transmitted to the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2007.

Mayor

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; the foregoing Ordinance No. 468 was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on _____, 200_, and that the same was passed and adopted by the following roll call vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

City Clerk