



City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, November 1, 2016, 6:00 p.m.  
Lemon Grove Community Center  
3146 School Lane, Lemon Grove, CA

*The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency*

Call to Order

Pledge of Allegiance

Changes to the Agenda

Public Comment

*Initial public comment will be limited to 15 minutes. Any additional speakers will be heard at Continued Public Comment, at the end of the agenda.*

*(Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the City Council may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)*

1. Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public. Items that are pulled will be considered at the end of the agenda.)

- A. Approval of Meeting Minutes  
October 18, 2016 – Regular Meeting  
Members present: Sessom, Gastil, Jones, Mendoza
- B. City of Lemon Grove Payment Demands  
Reference: Gilbert Rojas, Interim Finance Director  
Recommendation: Ratify Demands
- C. Waive Full Text Reading of All Ordinances on the Agenda  
Reference: Jim P. Lough, City Attorney  
Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title
- D. Annual Local Appointments List Update

*The City Council will consider the updated Appointments List, which serves to provide awareness of the opportunities to serve on local regulatory and advisory boards, commissions, and committees.*

Reference: Susan Garcia, City Clerk  
Recommendation: Receive and File Local Appointments List

2. Public Hearing to Consider Ordinance No. 441 - Zoning Amendment ZA1-600-0002, Amending the Buildings and Construction Regulations (Title 15 of the Lemon Grove Municipal Code)

*The City Council will consider changes to Lemon Grove Municipal Code Title 15, Buildings and Constructions, to meet state-mandated 2016 updates. The City is required to utilize the newest version of the codes for building permit review and inspections.*

Reference: David De Vries, Development Services Director  
Recommendation: Conduct Public Hearing and Introduce Ordinance

3. Ordinance No. 442: Amending Title II (Administration and Personnel), Chapter 2.04 (City Manager) Reorganizing Authority of City Officers

*The City Council will consider an ordinance for management under the Council-Manager form of government applicable in the City of Lemon Grove and assigns management responsibilities of the Treasurer and City Clerk to the City Manager with clarification of the City Manager's role in intergovernmental arrangements.*

Reference: James Lough, City Attorney  
Recommendation: Introduce Ordinance and Conduct First Reading

Continued Public Comment

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City.

*(GC 53232.3 (d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)*

Department Director Reports (Non-Action Items)

Closed Session

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation  
Title: City Manager

Adjournment

---

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email [sgarcia@lemongrove.ca.gov](mailto:sgarcia@lemongrove.ca.gov) prior to the meeting. A full agenda packet is available for public review at City Hall

---

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL**

**October 18, 2016**

*The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency*

---

**Call to Order**

Members present: Mayor Mary Sessom, Mayor Pro Tem George Gastil, Councilmember Jerry Jones, Councilmember Jennifer Mendoza, and.

Members absent: Councilmember Racquel Vasquez.

City Staff present: Lydia Romero, City Manager, David DeVries, Development Services Director; Daryn Drum, Division Fire Chief; Miranda Evans, Management Analyst; Mike James, Assistant City Manager/Public Works Director; Ken Lounsbery, City Attorney; and Lt. May, Sheriff's Department.

**Pledge of Allegiance**

Councilmember Mendoza led the pledge of allegiance.

**Changes to the Agenda**

Mayor Sessom noted that Public Comment has been moved after the action items.

**Presentations**

Lydia Romero introduced Reggie Lawson, Park Ranger, and Mayor Sessom presented the Community Planning Month proclamation.

**1. Consent Calendar**

**A. Approval of City Council Minutes**

October 4, 2016 Regular Meeting

**B. Ratification of Payment Demands**

**C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**

**D. Approval of Program Supplement Agreement No. O89**

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem Gastil, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones, Mendoza**

**Absent: Vasquez**

**Resolution No. 2016 – 3472:** Resolution of the Lemon Grove City Council Approving the Execution of the Program Supplement Agreement No. O89 to the Administering Agency-State Master Agreement No. 00281S

**2. Public Hearing to Consider General Plan Amendment GPA-140-0002 Amending the General Plan Community Development Element, Including the Land Use Plan, Creating a New Special Treatment Area (STA IX) for the Main Street Promenade Extension Project (Connect Main Street)**

Miranda Evans explained that staff is proposing amendments to the General Plan Community Development Element, including amending the Land Use Plan, adding a new Special Treatment Area (STA) around the Connect Main Street project area.

The General Plan amendment includes a general description of Connect Main Street, the accepted vision and goals and guidelines for future improvements within the corridor.

Staff believes the addition of a Special Treatment Area is sufficient to provide guidance for future development in the Connect Main Street corridor and the project will also be transferred into the draft Downtown Village Specific Plan Expansion and General Plan Update as appropriate.

Staff is proposing that the project area be incorporated into the General Plan Land Use Map as STA IX, Connect Main Street and that the following text be added after the description for STA VIII on page CD-32 of the General Plan Community Development Element:

**STA IX, Connect Main Street**

The Connect Main Street Special Treatment Area, illustrated in Figure CD-3, is intended to provide guidance for future development anticipated to occur within the project corridor. STA IX is an approximate two-mile-long linear corridor immediately west of the Orange Line of the MTS trolley system that runs along Main Street from Broadway to Massachusetts Avenue and then to the south end of the City through the Massachusetts Avenue Trolley Station and behind the residences on the east side of San Altos Place. STA IX includes walking and biking paths and park related activity areas.

STA IX may include a limited amount of street closures, one way streets, trails and multi-use paths, plazas, on-street bike boulevards, and other amenities such as picnic tables, shade structures, seating, trash receptacles, lighting, and landscape improvements. Park related activity areas such as a proposed skate park, BMX pump track, bouldering area, community gardens, dog parks, tot lots, and exercise facilities may also be incorporated along the project corridor. Minor improvements may also be included within Civic Center Park. Public art may also be included throughout segments in the form of gateway signs or monoliths, fence and wall art, street, crosswalk, and sidewalk finishing's, and historic and natural art pieces and furnishings. Educational panels, similar to those in the existing Main Street Promenade Park, may also be included. Other attributes like mile- and date-markers, wayfinding signage, interpretive panels and kiosks may be a part of the project. Key segments in the corridor, such as the area between Broadway and Central Avenue, will have the potential for temporary full street closures for special community events provided appropriate access to nearby properties are retained.

The project site includes six themes in a chronological arrangement that span the length of the two-mile corridor. The themes are an extension of the past, present, and future theme of the existing Main Street Promenade Park with a goal to go back in time from the 1900's to prehistoric times as you travel from the north end to the south end respectively. The themes may include, but are not limited to, the Early Pioneer Period, The Spanish/Mexican Period, The Kumeyaay Period, Natural Evolutionary Time Period, Weathering Forces Over Time Period and Geologic Time Periods.

Although not accurately scaled in terms of time periods, using the geologic time period allows the concept to cover a longer distance, with most of the corridor being in the pre-historic period while the historic and modern segments represent a small portion of the corridor. These themes will be incorporated to provide a sense of place and could include themes for sidewalks, crosswalks, pavement, lighting, wayfinding signage, street signage, landscape, street amenities, public art, gateway signs, and recreational amenities to provide direction on future improvements along the corridor.

#### *Vision*

The vision is to create a community corridor that supports active lifestyles and transportation choices by providing a safe, beautiful, and sustainable linear parkway that connects people, places, and activities for generations to come.

#### *Goals*

1. Provide mobility options that support active healthy lifestyles;
2. Create a sense of place;
3. Enhance the natural environment;
4. Improve safety and access for all ages;
5. Improve connections between neighborhoods and business; and
6. Respect property and improve property values.

#### *Guidelines for Future Development*

Future development within Connect Main Street corridor shall conform to the following policies:

- ◇ Improvements should be consistent with the vision and goals.
- ◇ Project phasing shall include constructing basic infrastructure improvements first (e.g., pedestrian paths, storm drain systems, and shaded landscape) with phasing beginning at the north end continuing to the south end and then the remainder of the project improvements and amenities shall be constructed thereafter from north to south. Grant funding may require deviations from the phasing plan.
- ◇ All modes of transportation, including bicycling and skateboarding, shall be considered for all improvements.
- ◇ A six-foot wide decomposed granite (DG) trail shall be incorporated along the majority of the corridor.
- ◇ Wide separated bikeways and multi-use paths shall be encouraged where feasible. Bike routes with appropriate signage and markings shall be provided when separated paths are infeasible.
- ◇ Transitions to themed segments and the individual theme segments should evoke a sense of place and time.
- ◇ Defined entry and exit points shall be incorporated into each segment to create a sense of arrival within the given theme.
- ◇ Key segments in the corridor, such as the area between Broadway and Central Avenue, will have the potential for temporary full street closures for special community events provided appropriate access to nearby properties are retained.

- ◊ Civic Center Park shall be improved, but will primarily retain its current open design to continue to allow for low intensity recreation while complementing the operations of the nearby H. Lee House and Parsonage Museum.
- ◊ Crime Prevention Through Environmental Design (CPTED) principles shall be incorporated into the design wherever possible.
- ◊ “Complete Streets” and “Green Streets” concepts and principles shall be strongly encouraged to be incorporated into final designs.
- ◊ Noise generating activities shall be appropriately mitigated when located near residences.
- ◊ Long-term maintenance costs shall be considered for all improvements.
- ◊ Technology should be utilized where feasible within the project corridor to best serve the users of today and tomorrow. For example, wayfinding signs should have the ability to be easily replaced and updated.
- ◊ Preserve the visual character of the topography through employment of sensitive grading techniques as feasible.
- ◊ As applicable, environmental mitigation measures identified through the preparation of an Initial Study shall be incorporated into projects associated with the corridor in compliance with CEQA requirements.

Mr. De Vries noted that the deliverables outlined in the scope of work for the Connect Main Street project to be prepared by the consultants KTU+A, followed by the related SANDAG SGIP grant requirements and then the progress towards the completion. These deliverables have largely been compiled into two documents, Volume I: Design Process, which provides the background report for the project, and Volume II: Conceptual Plans, which provides the accepted conceptual plans, the 30% construction drawings, and City comments and Consultant recommendations which will guide the project's efforts as the 100% or final construction drawings are prepared and improvements are implemented.

The community outreach, background report, conceptual design, 30% project design and related technical studies as outlined in KTU+A's Contract Scope of Work have been completed to staff's satisfaction and the SANDAG SGIP Grant requirements. If the General Plan Amendment is approved, the contract requirements will be satisfied and final deliverables will be submitted to the City for final contract close-out and the City will forward final deliverables to SANDAG for final grant close-out.

Mayor Sessom opened the public hearing.

Public Speaker(s)

Jim Stout expressed concern for public safety due to the lack of lighting in the project area.

Kevin Lawrence has concerns related to safety, homeless issues, wildlife in the area, and possible negative impacts of lighting in the adjacent neighborhood along.

Steve Browne expressed concerns with long range vision of this project, along with safety, homeless, and suggested the trail end at the U-haul location.

CJ Burroughs expressed concerns with homeless camps, speeding vehicles, roadway width, and impacts to residential parking along Main Street.

**Action: Motion by Councilmember Mendoza, seconded by Mayor Pro Tem Gastil, to adopt the resolution with amendment that “future lighting shall be addressed as each corridor segment is designed” passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones, Mendoza**  
**Absent: Vasquez**

**Resolution No. 2016 – 3473:** Resolution of the City Council of the City of Lemon Grove, California Approving General Plan Amendment GPA-140-0002 Amending the General Plan Community Development Element, Including the Land Use Plan, Creating a New Special Treatment Area (STA IX) for the Main Street Promenade Extension Project (Connect Main Street) Located Along an Approximate Two-Mile Long Corridor that Runs Parallel and West of The San Diego Metropolitan Transit System Orange Trolley Line from Broadway to the Northern Terminus of Akins Avenue within the City of Lemon Grove, California

**3. Ordinance No. 440 – Zoning Amendment ZA1-500-0004 Amending the Zoning District from Residential Low (RL) and Residential Low/Medium (RL/M) to Residential Medium (RM) on a Two Acre Property Located on the Southwest Corner of Palm Street and Camino De Las Palmas, Lemon Grove, CA**

On October 4, 2016, the City Council introduced Ordinance No. 440 that amends the Zoning District from Residential Low (RL) and Residential Low/Medium (RL/M) to Residential Medium (RM). The associated permits authorize a 24-lot subdivision, including 20 residential lots, one private street lot, and three common area lots for the development of 14 single-family homes, three twin homes, two common area parks, and related improvements. The project is property owner initiated. If adopted, the Ordinance becomes effective on November 17, 2016.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem Gastil, to adopt Ordinance No. 440 passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones, Mendoza**  
**Absent: Vasquez**

**Ordinance No. 440:** An Ordinance of the City Council of the City of Lemon Grove, California Approving Zoning Amendment ZA1-500-0004 Amending the Zoning District from Residential Low (RI) and Residential Low/Medium (RI/M) to Residential Medium (RM) for Property Located at the Southwest Corner of Palm Street and Camino De Las Palmas, Lemon Grove, California

**4. Award a Contract to California Skateparks for the Skate Park Expansion Project**

Mike James reported that in 2008, the skatepark located in Firefighters Park was constructed. The project removed approximately 2,500 square feet of turf and installed concrete with metal grading rails and other amenities. In addition, the project relocated irrigation lines to continue to water the remaining turf existing on site. Since its construction the skatepark continues to be an area that is heavily populated by residents and guests for skate boarding. In 2014 when the City held a special event that closed School Lane to vehicular traffic, the skatepark hosted a skate boarding competition.

In the most recent two years, staff has noticed an increase in the amount of vandalism, trash and graffiti that has occurred at the park. Based on staff’s observations, it seems that when there was an increase in the amount of vandalism at the park there was also an increase in the amount of trash and illegal activity occurring at the park.

For these reasons, staff researched any grant that would be able to rehabilitate the park to “re-energize” it so skate boarders could utilize the area once again and make the park a clean and fun family environment.

In April 2013, city staff began to research professional companies that the city may partner with to design and build an expansion to the skatepark. While there are a number of professional companies that exist there were few that were interested in partnering with the City. Spohn Ranch and California Skateparks were interested in meeting with City staff and provided renderings of the expansion project. And of the two, only California Skateparks is still interested in continuing to work with the city to complete the design and oversee all construction activities.

The expansion project includes adding approximately 800 square feet of concrete to the existing skatepark and incorporating skateable art and skate features giving Lemon Grove a unique identity that reflects the community feedback into the design.

Once the project rendering was received, staff worked with the City Manager’s Office to apply for grant funds. In July 2015, this project was funded to receive \$85,000 from the Housing-Related Parks Program grant.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem Gastil, to adopt the resolution passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones, Mendoza**

**Absent: Vasquez**

**Resolution No. 2016 – 3474:** Resolution of the City Council of the City of Lemon Grove, California Awarding a Contract to California Skateparks to Design and Build the Skatepark Expansion Project

**5. Metro Wastewater Joint Powers Authority Update**

Mayor Sessom provided an overview and explained that Metro Wastewater Joint Powers Authority manages all wastewater generated in the Lemon Grove Sanitation District.

Mike James stated that in 1972, the Federal Water Pollution Control Act Amendments of 1972 (CWA) was enacted as the primary federal law in the United States that governs water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters by preventing point and nonpoint pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment and maintaining the integrity of wetlands.

The CWA introduced the National Pollutant Discharge Elimination System (NPDES), which is a permit system for regulating point sources of pollution. Point sources include:

- Industrial facilities including manufacturing, mining, oil and gas extractions, and services industries; and
- Municipal governments and other government facilities such as military bases; and
- Some agricultural facilities such as animal feedlots.

The CWA and EPA have a direct impact to the Lemon Grove Sanitation District (District) because the District is a member of the Metro Wastewater Commission and all wastewater generated in the District is transported and treated at the Point Loma Wastewater Treatment Plant (Point Loma). Point Loma, which opened in 1963, treats approximately 175 million gallons of wastewater per day, of which the District is approximately 1.2%, generated in a 450 square mile area by more than 2.2 million residents.

Advanced Primary treatment at Point Loma comes extremely close to the legal requirements, measured in parts per million, percentages, with discharge volumes no greater than 240 million gallons a day. The current permit application proposes to duplicate the mass emissions that would be discharged by a full secondary plant at the currently permitted volumes of 240 mgd.

This is called secondary equivalency and is proposed to be achieved by diverting wastewater flows to produce 83 mgd of purified potable water at other plants. That program is called Pure Water San Diego Program (Pure Water) and will lower the discharge limit at Point Loma from 240 mgd to less than 160 mgd.

Currently, the modified permit for Point Loma expired on July 31, 2015. A renewal application in January 2015 and the existing Modified Permit has been administratively continued pending a decision by the regulatory agencies. The City anticipates that it will receive approval of a new Modified Permit by the end of the first quarter of 2017. If the City does not receive a renewal of the Modified Permit, the implementation of secondary treatment would be required at Point Loma.

#### Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Mendoza, seconded by Mayor Pro Tem Gastil, to authorize Sanitation District Board Jones to represent the Sanitation District's interests in upcoming Metro Commission or City of San Diego Council meetings as it pertains to wastewater passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones, Mendoza**

**Absent: Vasquez**

#### **Public Comment**

Rachel Camburos expressed concerns with homeless activity at Washington Street Park and impacts to the adjacent neighborhood.

Paul Gomez expressed concern with new downtown housing projects and the quantity of Sheriff's Deputies in Lemon Grove.

John L. Wood commented on large trucks parking on Central Avenue, transfer trailers parking in the continuous left turn lane on Federal Boulevard, and the flag at the Toyota dealership.

David Carpenter commented on immigration in Lemon Grove.

Mayor Sessom stated that there are no known unvetted refugees coming to Lemon Grove.

Jon Norvell noted that Drew Lane has received pot hole repair, however, the street is in need of additional repair.

Lani Stack reported on birds in Lemon Grove pet stores and birds in captivity.

Earl Hennon commented on road condition, sewer laterals, refugee issues, and homelessness in Lemon Grove.

Roger Ogden commented on the Welcoming Communities campaign.

Terry Hoopes commented on street issues and lack of sidewalks in Lemon Grove.

John Moore commented on refugees allowed in the United States.

Mayor Pro Tem Gastil noted that Lemon Grove has not taken any position on Federal policy and immigration is a Federal policy. Lemon Grove adopted a resolution welcoming refugees and confirms the commitment to be welcoming, Lemon Grove does not have the authority to make Federal policy.

Reverend Wayne Riggs gave his support of the City's Welcoming Communities resolution.

Iman Taha Hannane reported that he came to San Diego in 2004 and was welcomed by many faiths based communities. He reported his involvement and commitment to giving back to the community.

Richard Heipher commented on Larwood Street need of repair and speeding vehicles.

John Enright questioned why the City Council adopted the Welcoming Communities resolution.

Mayor Sessom noted that the White House has the campaign to help local communities and the resolution simply says welcome that's it.

Frank Gormlie gave his support of the City's Welcoming Communities resolution and this reflects the National policy.

Lupita Chavez noted that Lemon Grove is a welcoming community and commented the homelessness along with other problematic issues.

Patricia Person asked if the City will receive compensation for adopted the Welcoming Communities resolution and commented on immigration.

Mayor Sessom noted that the City will not receive any compensation because the City was not asked to do anything. In addition, she has not receive any information that refugees are coming to Lemon Grove.

### **City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Councilmember Jones commented on the Lemon Grove Incident.

Councilmember Mendoza reported on the demographics of Lemon Grove Academy and commented on the City's upcoming Relay for Life event. She reported on a recent SANDAG planning committee meeting along with the Lemon Grove Fire Department's open house, the Lemon Grove Clergy Association meeting, a Heal Zone committee meeting and Mexican American business professionals luncheon.

Mayor Pro Tem Gastil attended the Lemon Grove Fire Department's open house and the East County Regional Transportation Facility opening with a fleet of natural gas busses.

Mayor Sessom commented on Measure V that will be on the November ballot. She noted that the City has banned marijuana dispensaries and if Measure V passed it would allow up to 15 dispensaries in Lemon Grove. She added the East County Chamber of Commerce has changed their position and now oppose Measure V.

### **City Manager and Department Director Reports**

Chief Drum commented on the Fire Department open house and thanked everyone for their support.

Lydia Romero reported that Heartland Fire and Rescue has selected Colin Stowell as the new Fire Chief.

Mike James reported that the Fall clean-up event will be held on October 22 between from 7:00 a.m. to 2:00 p.m.

### **Adjournment**

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:28 p.m.

*Susan Garcia*

---

Susan Garcia, City Clerk

**City of Lemon Grove Demands Summary**

Approved as Submitted:

Gilbert Rojas, Interim Finance Director  
For Council Meeting: 11/01/16

ACH/AP Checks 10/11/16-10/21/16 609,289.20

Payroll - 10/11/16 117,352.80

Total Demands 726,642.00

| Check No | Vendor No  | Vendor Name                                | Check Date | Vendor Name   | Check Amount   | CHECK AMOUNT |
|----------|--|--|------------|---|--|--------------|
| CHECK NO | INVOICE NO   | VENDOR NAME                                | CHECK DATE | Description   | INVOICE AMOUNT   | CHECK AMOUNT |
| ACH      | Oct17 16   | Cox Communications                         | 10/11/2016 | Copy Room/City Manager Fax Line- 9/18/16-10/17/16   | 3.96   | 3.96         |
| ACH      | Sep16  | Wells Fargo Bank                           | 10/11/2016 | Bank Service Charge - Sep'16  | 1,220.40   | 1,220.40     |
| ACH      | 4154920380<br>3568860625                             | SDG&E                                      | 10/12/2016 | Electric Usage:St Light - 8/31/16-9/30/16<br>Electric Usage:St Light - 8/31/16-9/30/16  | 1,724.69<br>1,179.85   | 2,904.54     |
| ACH      | Oct11 16   | Employment Development Department          | 10/13/2016 | State Taxes 10/11/16  | 6,316.96   | 6,316.96     |
| ACH      | Sep28-Oct11  | Calpers Supplemental Income 457 Plan       | 10/14/2016 | 457 Plan 9/28/16-10/11/16   | 4,067.34   | 4,067.34     |
| ACH      | Sep16  | Home Depot Credit Services                 | 10/14/2016 | Home Depot Purchases - Sep'16   | 896.17   | 896.17       |
| ACH      | Oct11 16   | US Treasury                                | 10/18/2016 | Federal Taxes 10/11/16  | 28,211.60  | 28,211.60    |
| ACH      | Refill 10/20/16                                      | Pitney Bowes Global Financial Services LLC | 10/21/2016 | Postage Usage 10/20/16  | 250.00   | 250.00       |
| ACH      | SpcComp-Uni  | California Public Empl Retirement System   | 10/21/2016 | Special Compensation-Uniform Allowance- Safety Fire   | 4,338.92   | 4,338.92     |
| 6515     | 5450<br>5451   | Aguirre & Associates                       | 10/12/2016 | 8150 Ildica - Map Review - Sep'16<br>2135 Washington - Map Review - Sep'16  | 287.50<br>230.00   | 517.50       |
| 6516     | 9/22/2016  | AT&T                                       | 10/12/2016 | Backup City Hall Internet-8/23/16-9/22/16   | 130.00   | 130.00       |
| 6517     | 727241-9   | Bj's Rentals                               | 10/12/2016 | Equipment Rental- Drill Core Hand Held & Bit Core   | 84.00  | 84.00        |
| 6518     | 1610027  | California Aquatics                        | 10/12/2016 | Fountain Repair - Sep '16   | 140.00   | 140.00       |
| 6519     | Nov 2016   | California Dental Network Inc.             | 10/12/2016 | California Dental Insurance - Nov16   | 324.42   | 324.42       |
| 6520     | 9/29/2016  | City of Chula Vista                        | 10/12/2016 | After Hours Calls- Aug '16<br>Mileage & Fuel for Animal Control Veh- Aug '16  | 587.46<br>674.16   | 1,261.62     |
| 6521     | 81720083<br>81720600                                 | Corelogic Information Solutions Inc.       | 10/12/2016 | RealQuest Graphics Package- Aug '16<br>Grant Deeds for Dev - Image Requests - Aug 16  | 300.00<br>5.50   | 305.50       |
| 6522     | 17CTOFLGN03  | County of San Diego- RCS                   | 10/12/2016 | 800 MHZ Network - Sep '16   | 2,887.50   | 2,887.50     |
| 6523     | 10/1/2016<br>9/29/2016<br>9/29/2016                  | Cox Communications                         | 10/12/2016 | Phone/City Hall- 10/1/16-10/31/16<br>Internet/Community Ctr- 9/30/16-10/29/16<br>Peg Circuit Svc - 9/30/16-10/29/16   | 976.44<br>75.00<br>2,939.60  | 3,991.04     |
| 6524     | 3292<br>3294<br>3295<br>3296<br>3297<br>3298<br>3299 | D- Max Engineering Inc                     | 10/12/2016 | 2065 69th Street SWQMP Review- thru 10/5/16<br>100 Celsius Stormwater - Inspections thru 8/31/16<br>8040 Lincoln St Stormwater - Inspections thru 8/31/16<br>Center Hilltop Stormwater - Inspections thru 8/31/16<br>Grove Lofts Stormwater - Inspections thru 8/31/16<br>LG Plaza (Starbucks)Stormwater-Inspections thru 8/31/16<br>Valencia Stormwater-Inspections thru 8/31/16 | 586.70<br>237.90<br>320.40<br>204.15<br>433.76<br>574.15<br>438.75 | 2,795.81     |
| 6525     | 202336   | Dell Awards                                | 10/12/2016 | Nameplates  | 54.00  | 54.00        |
| 6526     | Jul-Sep 16   | Division of the State Architect            | 10/12/2016 | State CASP Fee-7/1/16-9/30/16   | 32.10  | 32.10        |
| 6527     | 10/3-6/16  | Esgil Corporation                          | 10/12/2016 | 75% Building Fees- 10/3/16-10/6/16  | 7,581.60   | 7,581.60     |
| 6528     | 24796  | Excell Security, Inc.                      | 10/12/2016 | Senior Center Security Guard - 10/01/16   | 72.00  | 72.00        |
| 6529     | Gonzalez   | Gonzalez, Alfonso                          | 10/12/2016 | Refund/Gonzalez,Alfonso/Home Occupation Paid SW Fees  | 13.00  | 13.00        |
| 6530     | 137  | Janazz, LLC SD                             | 10/12/2016 | Office 2013 Code - Fire Stn- Oct'16   | 129.99   | 129.99       |
| 6531     | LG Hist  | Lemon Grove Historical Society             | 10/12/2016 | Refund//Deposit- Lee House 9/17/16/Re-issue   | 200.00   | 200.00       |
| 6532     | 07-2193<br>07-2192                                   | Lemon Grove School District                | 10/12/2016 | Fuel Services-PW- Sep '16<br>Fuel Services-Fire Stn- Sep '16  | 1,161.58<br>928.70   | 2,090.28     |
| 6533     | Martinez   | Martinez, Bennett                          | 10/12/2016 | Refund/Martinez,Bennett/2016 Bus Lic Fees Paid Twice  | 51.50  | 51.50        |
| 6534     | Maximiliano  | Maximiliano, Adriana                       | 10/12/2016 | Refund/Maximiliano/Deposit - LBH 10/8/16  | 200.00   | 200.00       |
| 6535     | 16-1306<br>16-1319                                   | Pacific HVAC Service                       | 10/12/2016 | AC Repairs - Fire Stn 9/29/16<br>AC Repairs - Com Ctr 9/30/16   | 361.82<br>773.54   | 1,135.36     |

|      |  |  |            |  |   |           |
|------|--|--|------------|--|---|-----------|
| 6536 | 175468(4)<br>175468(4)<br>175468(4)<br>175468(4) | Rick Engineering Company                 | 10/12/2016 | Prof Svc: City Engr Svc/Signal/Speed Survey 7/30/16-8/26/16<br>Prof Svc: Sanitation Dist Services 7/30/16-8/26/16<br>Prof Svc: Metro Wastewater/JPA 7/30/16-8/26/16<br>Prof Svc: LGA Realignment 7/30/16-8/26/16 | 12,297.78<br>2,420.00<br>3,775.00<br>9,211.74 | 27,704.52 |
| 6537 | 6674   | Smart Cover Systems Inc.                 | 10/12/2016 | Smart Cover Units Relocation   | 1,327.98                                      | 1,327.98  |
| 6538 | Sungenia Solar                                   | Sungenia Solar Solutions                 | 10/12/2016 | Refund/Sungenia Solar/Storm Water Fees Paid Twice  | 26.00   | 26.00     |
| 6539 | 920160381  | Underground Service Alert                | 10/12/2016 | 70 New Ticket Charges - Sep '16  | 105.00  | 105.00    |
| 6540 | Oct11 16   | Vantage Point Transfer Agents-457        | 10/12/2016 | ICMA Deferred Compensation Pay Period Ending 10/11/16  | 580.77  | 580.77    |
| 6541 | 9772310618                                       | Verizon Wireless                         | 10/12/2016 | EOC Router/Emer Phone Lines/Tablets- 8/21/16-9/20/16   | 362.91  | 362.91    |
| 6542 | 71257971<br>71257972<br>71260605<br>71262083     | Vulcan Materials                         | 10/12/2016 | Asphalt<br>Asphalt<br>Asphalt<br>Asphalt   | 135.00<br>92.66<br>91.80<br>91.80             | 411.26    |
| 6543 | 119276   | West Coast Arborists, Inc.               | 10/12/2016 | Tree Maintenance - 9/1/16-9/15/16  | 8,096.40                                      | 8,096.40  |
| 6544 | 15619  | Western Door                             | 10/12/2016 | Gymnasium Door Repair - 3131 School Lane 8/17/16   | 302.00  | 302.00    |
| 6545 | 0051055  | Rick Engineering Company                 | 10/12/2016 | CLG DVSP Update- 7/30/16-8/26/16   | 6,393.57                                      | 6,393.57  |
| 6546 | 111013   | Angelo's Towing & Recovery               | 10/19/2016 | Towing Service - Sanitation Truck #32- 9/27/16   | 675.00  | 675.00    |
| 6547 | 728850-9<br>729108-9                             | Bl's Rentals                             | 10/19/2016 | Propane<br>Propane   | 26.46<br>13.61                                | 40.07     |
| 6548 | Jul-Sep16  | California Building Standards Commission | 10/19/2016 | BSA Fees: Jul-Sep'16   | 144.90  | 144.90    |
| 6549 | 16542091<br>16588691                             | Canon Financial Services Inc             | 10/19/2016 | Canon Copier Contract Charge Oct16 Basement<br>Canon Copier Contract Charge 11/1/16  | 81.35<br>642.60                               | 723.95    |
| 6550 | 694264561<br>694267117                           | Cintas Corp #694                         | 10/19/2016 | Janitorial Supplies - 10/6/16<br>Janitorial Supplies - 10/13/16  | 140.66<br>231.43                              | 372.09    |
| 6551 | AR136911<br>AR136912                             | City of Chula Vista                      | 10/19/2016 | Animal Control Services- Jul'16<br>Animal Control Services- Aug'16   | 15,484.00<br>15,534.00                        | 31,018.00 |
| 6552 | FR50000021                                       | City of El Cajon                         | 10/19/2016 | Overtime Reimbursement - Cameron 9/10/16   | 1,091.80                                      | 1,091.80  |
| 6553 | 18820<br>18825                                   | City of La Mesa                          | 10/19/2016 | Reimb for Fire Prev Wk Helmets (LG portion) 2016<br>OT Reimbursement/Doig, Lopez, Carter, Mast Aug-Sep 2016  | 162.85<br>5,551.57                            | 5,714.42  |
| 6554 | 81736486   | Corelogic Information Solutions Inc.     | 10/19/2016 | RealQuest Graphics Package- Sep '16  | 300.00  | 300.00    |
| 6555 | 201600707  | County of San Diego/Assessor/Recorder    | 10/19/2016 | Recording Services- 9/14/16  | 4.00  | 4.00      |
| 6556 | 10/1/2016<br>10/6/2016<br>10/6/2016<br>10/4/2016 | Cox Communications                       | 10/19/2016 | Main Phone/Fire- 10/1/16-10/31/16<br>Calsense Modem Line:2259 Washington Ave 10/6/16-11/5/16<br>Calsense Modem Line:7071 Mt Vernon- 10/6/16-11/5/16<br>Phone/Rec Ctr/ 3131 School Ln - 10/4/16-11/3/16           | 439.54<br>21.05<br>19.94<br>97.67             | 578.20    |
| 6557 | 09160560   | DAR Contractors                          | 10/19/2016 | Animal Disposal- Sep '16   | 162.00  | 162.00    |
| 6558 | Dawson   | Dawson, Christina                        | 10/19/2016 | Refund/Dawson, Christina/Partial Deposit-Rec Ctr- 10/9/16  | 100.00  | 100.00    |
| 6559 | Jul-Sep 16                                       | Department of Conservation               | 10/19/2016 | SMIP Fees- Jul-Sep '16   | 627.75  | 627.75    |
| 6560 | 1007162305                                       | Domestic Linen- California Inc           | 10/19/2016 | Shop Towels & Safety Mats 10/7/16  | 96.40   | 96.40     |



**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.D  
**Mtg. Date** November 1, 2016  
**Dept.** City Manager's Office

**Item Title:** Annual Local Appointments List Update

**Staff Contact:** Susan Garcia, City Clerk

**Recommendation:**

Receive and file the revised Local Appointments List.

**Item Summary:**

California Government Code 54970-54974 requires on or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List.

The Appointments List serves to provide awareness of the opportunities to serve on local regulatory and advisory boards, commissions, and committees.

**Fiscal Impact:**

None.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section   | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> None                                | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

A. Local Appointments List

City of Lemon Grove  
Local Appointments List

In compliance with the requirements of Government Code 54970, the following Local Appointments List is posted on an annual basis. The List presents all current members of City Commissions and Committees and the dates of their terms of office

### Traffic Advisory Committee

Traffic Advisory meetings are held on the third Monday of odd-numbered months, *on an as needed basis*. The meetings are held at 6:00 p.m. at the Lemon Grove Fire Station, Emergency Operations Center, located at 7853 Central Avenue.

| <i>Name</i>                          | <i>Date Appointed</i> | <i>No Set Term Length</i> |
|--------------------------------------|-----------------------|---------------------------|
| City Manager or designee             | N/A                   |                           |
| Fire Department designee             | N/A                   |                           |
| Sheriff's Department designee        | N/A                   |                           |
| Lemon Grove School District designee | N/A                   |                           |
| Community Representative             | Vacant                |                           |

### Code Enforcement and Administrative Citation Hearing Officers

The City's Code Enforcement policy authorizes City staff to issue administrative citations for violations of the Municipal Code, and also provides for the appointment of up to six hearing officers to conduct appeal hearings for any citation issued. Hearing Officers are appointed by the City Council and are not required to reside in the City.

| <i>Name</i>                        | <i>Date Appointed</i> | <i>Present Term Expires</i> |
|------------------------------------|-----------------------|-----------------------------|
| Franco Del Rosario                 | 04-05-16              | 04-05-19                    |
| Katie Dexter                       | 04-15-16              | 04-05-19                    |
| Anthony Jemison                    | 04-05-16              | 04-05-19                    |
| Animal Control Officer or designee | N/A                   | N/A                         |
| Stormwater designee                | N/A                   | N/A                         |

### Oversight Board of the Lemon Grove Successor Agency

Pursuant to the implementation of Assembly Bill X1 26 (Blumenfield), the Lemon Grove Community Development Agency dissolved. State law prescribes that three of the seven members of the Oversight Board of the Lemon Grove Successor Agency are appointed by the Mayor—the other four members are appointed by the County of San Diego, Lemon Grove School District, the Grossmont-Cuyamaca Community College District, and the Grossmont Healthcare District. The meetings are held as needed in a public location within the City.

| <i>Name</i>                            | <i>Date Appointed</i> | <i>No Set Term Length</i> |
|--|-----------------------|---------------------------|
| City Manager or designee               | 01-05-16              |                           |
| Bob Bailey, Rep. Successor Agency      | 01-05-16              |                           |
| Jerry Selby, County of San Diego       | 01-15-16              |                           |
| James Davis, County of San Diego       | 01-05-16              |                           |
| Gina Potter, County Board of Education | 01-05-16              |                           |
| Sue Rearic, Grossmont-Cuyamaca College | 01-05-16              |                           |
| Michael Emerson, Grossmont Healthcare  | 01-05-16              |                           |

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 2  
**Mtg. Date** November 1, 2016  
**Dept.** Development Services

**Item Title:** **Public Hearing to Consider Ordinance No. 441 - Zoning Amendment ZA1-600-0002, Amending the Buildings and Construction Regulations (Title 15 of the Lemon Grove Municipal Code)**

**Staff Contacts:** Eric Craig, Associate Planner  
David De Vries, Development Services Director

**Recommendation:**

- 1) Conduct the public hearing; and
- 2) Introduce Ordinance 441 (**Attachment B**).

**Item Summary:**

This item is a draft ordinance to consider changes to Title 15, Buildings and Constructions, to meet state-mandated 2016 updates to Title 24 of the California Government Code (aka California Building Standards Code or CBSC). Local amendments are proposed to safeguard the health, safety and general welfare of the community which are based upon local conditions and to continue local administrative processes as they exist. The CBSC is generally updated every three years and adopted by the State of California Building Standards Commission. Local jurisdictions are subsequently required to adopt and implement the Building Standards Code as the minimum standards for construction. The City is required to utilize the newest version of the codes for building permit review and inspections. The City may modify the construction codes based upon local climatic, geologic, or topographic conditions provided the modifications are more restrictive. Additionally, amendments to administrative provisions of the abatement of dangerous buildings are proposed.

**Fiscal Impact:**

None.

**Environmental Review:**

- |  |   |
|--|---|
| <input type="checkbox"/> Not subject to review                                 | <input type="checkbox"/> Negative Declaration           |
| <input checked="" type="checkbox"/> Categorical Exemption, Section 15061(b)(3) | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> None   | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Ordinance No. 441 - ZA1-600-0002
- C. Guide for Local Amendments of Building Standards

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   2  

Mtg. Date   November 1, 2016  

**Item Title: Public Hearing to Consider Ordinance No. 441 - Zoning Amendment ZA1-600-0002, Amending the Buildings and Construction Regulations (Title 15 of the Lemon Grove Municipal Code)**

**Staff Contacts:** Eric Craig, Associate Planner  
David De Vries, Development Services Director

### **Background:**

Title 24 (T-24) of the California Government Code (aka California Building Standards Code or CBSC) consists of the following code regulations:

- California Administrative Code (T-24, Part 1)
- California Building Code (T-24, Part 2 Volumes 1 and 2)
- California Residential Code (T-24, Part 2.5)
- California Electrical Code (T-24, Part 3)
- California Mechanical Code (T-24, Part 4)
- California Plumbing Code (T-24, Part 5)
- California Energy Code (T-24, Part 6)
- California Fire Code (T-24, Part 9)
- California Existing Building Code (T-24, Part 10)
- California Green Building Code (T-24, Part 11)
- California Reference Standards Code (T-24, Part 12)

The CBSC is generally updated every three years and adopted by the State of California Building Standards Commission. Local jurisdictions are subsequently required to adopt and implement the Building Standards Code as the minimum standards for construction. The City is required to utilize the newest version of the codes for building permit review and inspections. The City may modify the construction codes based upon local climatic, geologic, or topographic conditions provided the modifications are more restrictive, however, local amendments to administrative procedures do not require a justification. If a City does not adopt the revised CBSC with local amendments, the revised CBSC goes into effect regardless and local amendments cannot be considered until adopted by the City Council. The 2016 CBSC effective date is January 1, 2017. Title 15 of the Municipal Code was last updated in 2013 to reflect the updated 2013 CBSC. No significant changes were a part of the 2016 CBSC update.

Amendments to the Municipal Code require adoption of an ordinance by the City Council and require a 1<sup>st</sup> and 2<sup>nd</sup> reading and are effective 30 days after the date of the second reading. Since the State does not allow local jurisdictions to utilize the 2016 CBSC until January 1, 2017, the effective date proposed in the ordinance will also be January 1, 2017.

# Attachment A

## Discussion:

The draft ordinance amends various chapters within Title 15 (Building and Construction) of the Lemon Grove Municipal Code (LGMC) to incorporate by reference the latest (2016) edition of the CBSC. Moreover, it includes the City's local amendments.

The proposed Title 15 amendments of the LGMC change the order in which the chapters of Title 15 are listed to reflect the order in which the associated codes appear in Title 24. The Housing Code is being deleted from Title 15 because the Housing Code was deleted for the 2016 edition of Title 24. Likewise, two new chapters are being added to Title 15, which correspond to new codes in Title 24 (the Existing Building Code and the Historic Building Code). These sections govern building permits involving existing structures. The California Historical Building Code provides regulations and standards for the rehabilitation, preservation, restoration or relocation of historical buildings. The standards are intended to allow the restoration or change of occupancy so as to preserve the historical building's original or restored elements and features. A historically designated building would be exempt from some building code requirements, and/or may be able to meet code requirements using alternative means and methods. Historic buildings as referenced would include those listed in the City's General Plan or other historic registry.

In addition to the required Title 24 requirements, the attached ordinance proposes changes not mandated by Title 24. Specifically, the proposed local amendments include local administrative procedures as they exist, the deletion of existing regulations for swimming pools that are already addressed in the building code, and diverting enforcement authority to the development services director for the abatement of dangerous buildings. These local amendments are further described below. The findings required to make these local amendments are also described.

### *Administrative Procedures*

Currently, LGMC Title 15 incorporates the 1997 version of the Uniform Administrative Code with local amendments. The proposed revisions include replacing the 1997 Uniform Administrative Code with the 2016 California Administrative Code, which is part of Title 24. The proposed revisions also include relocating the local administrative procedural amendments from LGMC Chapter 15.06 (Administration) to LGMC Chapter 15.08 (Building Code).

Unlike local amendments to the technical codes (Building Code, Fire Code, etc.), local amendments to administrative procedures do not need to be justified or based upon geologic, climatic, and topographic conditions. Lemon Grove's proposed local administrative amendments generally include the following which are consistent with existing provisions:

- Authorizes the City Engineer to delay issuance of a building permit until grading work and required public improvements are completed.
- Authorizes the City Engineer to deny issuance of a building permit based upon unsafe geologic conditions or upon a project's location within a flood prone area.
- Authorizes the Building Official to deny a permit based upon the presence of unsafe or substandard conditions at the project site.
- Establishes a time limit for the completion of work associated with a permit and allows for expiration of a permit not diligently pursued to completion.
- Generally exempts government agencies and school districts from permit fees.
- Establishes authority to charge additional fees for major changes to plans during plan check.
- Authorizes the Building Official to determine the valuation of construction work for the purpose of assessing building permit fees. Standard valuation methods will be used to

# Attachment A

estimate the valuation of building projects and applicants can still submit valuations for consideration.

- Authorizes the Building Official to refund permit fees that were erroneously collected.
- Designates unpermitted construction as a public nuisance.

## *Justification and Findings for Local Amendments of Title 24*

The City may amend the technical and construction requirements of Title 24 as long as those amendments are more restrictive than Title 24 and are based upon local climatic, geologic, or topographic conditions.

The draft ordinance includes detailed findings or justifications for the proposed local amendments of the technical codes. In general, those findings reflect the fact that Lemon Grove is located in the seismically active Southern California Region where earthquakes can cause severe destruction on a regional scale (a geologic condition). Moreover, in Lemon Grove the dry hot climate, the seasonal Santa Ana winds, the hilly terrain, and the extremely fire-prone local vegetation combine to create the potential for catastrophic wildfires (climatic and topographic conditions). After the fires, rains can create landslides on the slopes stripped bare of vegetation by the wildfires.

## *Chapter 15.38, Abatement of Dangerous Buildings*

The LGMC currently includes adoption of the 1997 Uniform Code for the Abatement of Dangerous Buildings. The only existing local amendments to that code are the deletion of Chapter 1 (Title and Scope), and Chapter 2 (Enforcement). The attached ordinance retains the 1997 Uniform Code for the Abatement of Dangerous Buildings, but also includes more specific local amendments which are mostly procedural in nature.

In conjunction with other sections of the LGMC, the abatement code provides a method to abate dangerous structures which threaten public health and safety, or disturb the public peace, or are contradictory to public morals. The proposed local amendments in the draft ordinance generally accomplish the following:

- Authorizes the development services director (Director) to enforce the abatement code provisions;
- Authorizes the Director or a representative to enter a premises in order to inspect or enforce the provisions of the abatement code;
- Establishes procedures for the issuance of notices and orders to repair, vacate, or demolish dangerous structures;
- Establishes procedures for the timing and consideration of appeals;
- Establishes procedures for the issuance, timing, and payment of fines; and
- Establishes procedures for cost recovery.

## *Chapter 15.40, Swimming Pools*

Currently, LGMC Chapter 15.40, Swimming Pools, contains regulations for public pools and makes references to outdated State regulations. For the 2016 Title 24 update, regulations for public pools are contained in the California Building Code. Since Chapter 15.40 refers to an outdated permit process and the regulations are contained within the updated codes to be adopted, staff recommends deleting this Chapter.

# Attachment A

## *Findings to Amend the Lemon Grove Municipal Code*

In order to amend the LGMC, Council must find that the proposed amendments are consistent with the General Plan and that they preserve public health, safety, and general welfare. The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as reflected in LGMC Title 15. Furthermore, it acknowledges their intended purpose to reduce the risk of injuries, death, and property damage. Since the primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards, Council can make findings in support of the proposed LGMC amendments.

### **Public Information:**

The proposed amendments are found to be categorically exempt from the California Environmental Quality Act referencing Section 15061(b)(3) (General Rule Exemption).

The Notice of Public Hearing for this item was published in the October 20, 2016 edition of the East County Californian.

No formal public comments have been received as of the writing of this report.

### **Conclusion:**

Staff recommends that the City Council: 1) conduct the public hearing, and 2) introduce Ordinance No. 441 and certify the environmental notice of exemption.

# Attachment B

## ORDINANCE NO. 441

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA RESCINDING CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.12, 15.20, 15.24, 15.28, 15.32, 15.34, 15.36, 15.38, AND 15.40 OF TITLE 15 OF THE LEMON GROVE MUNICIPAL CODE, ENTITLED "BUILDINGS AND CONSTRUCTION", IN THEIR ENTIRETY, AND ADOPTING NEW CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, AND 15.38 ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING CODE AND THE 2016 CALIFORNIA REFERENCE STANDARDS CODE, AND LOCAL AMENDMENTS AND RELATED FINDINGS AND ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND LOCAL AMENDMENTS**

---

**WHEREAS**, on November 1, 2016, a public hearing was duly noticed and held by the City Council; and

**WHEREAS**, the City of Lemon Grove last revised its construction codes in 2013 per Ordinance 418 adopted December 3, 2013; and

**WHEREAS**, the permit number associated with this action is Zoning Amendment ZA1-600-0002; and

**WHEREAS**, Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and

**WHEREAS**, the State of California Health & Safety Code Section 17922 imposes the same requirements as are contained in the 2016 California Building Standards Code including the 2016 California Administrative Code (Part 1), the 2016 California Building Code (Part 2), the 2016 California Residential Code (Part 2.5), the 2016 California Electrical Code (Part 3), the 2016 California Mechanical Code (Part 4), the 2016 California Plumbing Code (Part 5), the 2016 California Energy Code (Part 6), the 2016 California Fire Code (Part 9), the 2016 California Existing Building Code (Part 10), the 2016 California Green Building Code (Part 11), and the 2016 California Reference Standards Code (Part 12); and

**WHEREAS**, California Health and Safety Code section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and

**WHEREAS**, the City Council finds in its independent judgment that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the adoption of uniform abatement of dangerous buildings codes and State mandated building and fire codes and with or without amendments, intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment; and

# Attachment B

**WHEREAS**, the City Council finds that the modifications and changes to the provisions of the California Building Standards Code (Title 24) are reasonably necessary because of the following climatic, geologic, and topographic conditions which are each individual justifications to each local amendment to the California Buildings Standards Title 24 Part 2 California Building Code, Part 2.5 California Residential Code, and Part 9 California Fire Code:

1. The City is situated in hilly, inland terrain. Large areas are covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.

2. The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fire as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees F are common throughout the year.

3. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.

4. The high water table, expansive clay-like soils, and history of unregulated grading including un-compacted fills existing within the City of Lemon Grove constitute local conditions that require that the California Building Standards Code be modified as expressed herein; and

**WHEREAS**, the City Council finds that the following findings required to approve an amendment of the Municipal Code can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. The proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as they are reflected in Title 15 of the Lemon Grove Municipal Code.

2. The public health, safety, and general welfare benefit from the adoption of the proposed amendments.

The primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards; and

**WHEREAS**, on November 1, 2016, the City Council introduced and conducted the first reading of Ordinance No.441; and

**WHEREAS**, on November 15, 2016, the City Council conducted the second reading of Ordinance No. 441; and

**NOW, THEREFORE**, the City Council of the City of Lemon Grove, California, does ordain as follows:

**SECTION ONE.** Finds and determines that the facts set forth in the recitals of this Ordinance are declared to be true; and

**SECTION TWO:** Rescinds Chapters 15.04, 15.06, 15.08, 15.10, 15.12, 15.20, 15.24, 15.28, 15.32, 15.34, 15.36, 15.38, AND 15.40 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", in their entirety; and.

**SECTION THREE:** Adopts new Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, and 15.38 of Title 15 of the Lemon Grove

## Attachment B

Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", to read as shown in the attached Exhibit A.

**SECTION FOUR:** Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION FIVE:** Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION SIX:** This Ordinance shall take effect in the manner allowed by law on January 1, 2017.

**INTRODUCED** by the City Council on November 1, 2016.

**SECOND READING** by the City Council on November 15, 2016.

////

////

# Attachment B

## EXHIBIT A

**TEXT OF PROPOSED REGULATIONS**

**NOTE:**

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

In the City of Lemon Grove Municipal Code, to amend Building and Construction Regulations, Title 15 shall read as follows with the exception of Chapters 15.33, 15.44, 15.48, 15.50, and 15.52, which shall remain unchanged:

**Chapter 15.04 GENERAL PROVISIONS**

**15.04.010 Variances from regulations.**

The development services director shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

**15.04.020 Adoption of state regulations.**

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2016 California Code of Regulations, is filed in the office of the city clerk.

**15.04.030 Severability and Validity –**

If any section of this Title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this Title, and each chapter, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**Chapter 15.06 ADMINISTRATIVE CODE**

**15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.**

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2016 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and

# Attachment B

regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2016 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

## Chapter 15.08 BUILDING CODE

### 15.08.010 Adoption of the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq., including those appendix chapters shown as adopted by this chapter. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the city of Lemon Grove shall be in conformance with the 2016 California Building Code.

### 15.08.020 Findings.

The city of Lemon Grove has large brush-covered hillsides. The city is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The city council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the State Building Code. Therefore, this chapter alters the 2016 California Building Code to require more fire retardant roof coverings.

### 15.08.030 Deletions, revisions and additions to the 2016 California Building Code.

Deletions, revisions and additions to the 2016 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

### 15.08.040 Chapter 1, Scope and Administration, Division II-deletions, revisions, and additions.

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as "this code."

Add Section 103.1.1 GENERAL. Whenever the terms or the title "administrative authority", "responsible official," Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his duly authorized representative.

Add Section 105.3.1.1 Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

## Attachment B

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.”

Add section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this Title, or where exists unlawful construction, or where exists a significant violation of this code.

Add section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as shown in a resolution adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

## Attachment B

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

### **15.08.050 Section 903.2.11.3 amended.**

Section 903.2.11.3 is replaced to read: Buildings Three (3) Stories or More in Height. An automatic sprinkler system shall be installed throughout buildings three (3) or more stories in height.

### **15.08.060 Appendices Chapter C, Chapter H, and Chapter I.**

Appendix Chapters C, H and I of the 2016 California Building Code are adopted.

## **Chapter 15.10 RESIDENTIAL CODE**

### **15.10.010 Adoption of the 2016 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2016 California Residential Code. Except as otherwise provided by this Title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more

# Attachment B

than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2016 California Residential Code, published by the California Building Standards Commission.

## **15.10.020 Chapter 1, Division II, Administration, of the 2016 California Residential Code shall be amended as follows:**

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as "this code."

Add Section R103.1.1 GENERAL. Whenever the terms or the title "administrative authority", "responsible official," Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his duly authorized representative.

Add section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this Title, or where unlawful construction exists, or where a significant violation of this code exists.

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon

## Attachment B

conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

### **15.10.030 Section R313.2 amended.**

Section R313.2 is amended to read:

R313.2 One- and Two-Family Dwellings Automatic Fire Systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings in accordance with the City of Lemon Grove Fire Code, Chapter 15.26.

### **15.10.040 Appendices Chapter H.**

Appendix Chapter H of the 2016 California Residential Building Code is hereby adopted.

## **Chapter 15.14 ELECTRICAL CODE**

### **15.14.010 Adoption of the California Electrical Code, Part 3, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the city of Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code based on the National Electrical Code, 2008 Edition. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2016 California Electrical Code, published by the California Building Standards Commission.

# Attachment B

## Chapter 15.18 MECHANICAL CODE

### 15.18.010 Adoption of the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2016 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

## Chapter 15.20 PLUMBING CODE

### 15.20.010 Adoption of the California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city plumbing code for the purpose of prescribing regulations in the city of Lemon Grove for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2016 California Plumbing Code, Part 5, Title 24 of the 2016 California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the City of Lemon Grove Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the city of Lemon Grove shall be in conformance with 2016 California Plumbing Code which is based on the Uniform Plumbing Code, 2015 Edition, published by the California Building Standards Commission.

## Chapter 15.22 ENERGY CODE

### 15.22.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the City of Lemon Grove for the conservation of energy the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the City of Lemon Grove Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules

# Attachment B

and regulations promulgated pursuant thereto, including the 2016 California Energy Code, published by the California Energy Commission.

## **Chapter 15.24 HISTORIC BUILDING CODE**

### **15.24.010 Adoption of the 2016 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.**

The 2016 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## **Chapter 15.26 FIRE CODE**

### **15.26.010 California Fire Code, 2016 Edition—Adopted by reference.**

The California Fire Code, 2016 Edition, and including Appendix Chapters 4, B, BB, C, CC, D, H, and N, as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life, and safety as they relate to the use or occupancy of buildings or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code, 2016 Edition, are referred to, adopted and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC,” and one copy is on file in the office of the city clerk.

### **15.26.020 Section 101.1 Amended—Title**

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code”.

### **15.26.030 Section 105.3.1 Amended—Expiration**

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The maximum life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, the permit will become invalid and a new permit will be required. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

# Attachment B

## **15.26.040 Section 108 Amended and 108.1 Added — Board of Appeals.**

Section 108 of the CFC is amended to read as follows:

City Council sits as Appeals Board. Appeals to the decisions or determinations made by the building official/fire marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed.

Section 108.1 of the CFC is added to read as follows:

108.1 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

## **15.26.050 Section 109.4 Amended – Violation Penalties**

Section 109.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

## **15.26.060 Section 111.4 Amended – Failure to Comply**

Section 111.4 of the CFC is amended to read as follows:

Section 111.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided for in the Lemon Grove Municipal Code Section 1.12.010(c).

## **15.26.070 Section 113 Amended and Added—Schedule of Fees**

Section 113.2 of the CFC is amended to read as follows:

113.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Master Fee Schedule.

Section 113.6 of the CFC is added to read as follows:

113.6 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of

## Attachment B

Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.7 of the CFC is added to read as follows: 113.7 Reimbursements. (a) In accordance with the Health and Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursements to the agency for the costs incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the costs incurred.

Section 113.8 of the CFC is added to read as follows:

Section 113.8 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expense of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by the laws of the State of California.

Section 113.9 of the CFC is added to read as follows:

Section 113.9 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing the remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section 1.12.010(e).

### **15.26.080 Section 202 Amended – Definitions.**

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure.)

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetative growth to any structure; this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement of fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, joint powers agreement established for fire protection, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

# Attachment B

Fire Hazard is anything that increases or could create an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by the State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives at the scene.

Travel time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

## **15.26.090 Section 503.2.1 Amended – Dimensions.**

Section 503.2.1 of the CFC is amended to read as follows:

(a) 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not exceeding 150 feet in length from the public right-a-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic; gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical

## Attachment B

clearance or road widths shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

Exception: Upon approval of the fire code official. Vertical clearance or road width may be reduced as long as the reduction does not impair access by fire apparatus. In cases where the vertical clearance has been reduced, approved signs shall be installed and maintained indicating the amount of vertical clearance.

### **15.26.100 Section 503.3.1 Added – Fire Lane Designation.**

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1 (public) or 22658(a) (private).

### **15.26.110 Section 505.1 Amended—Premises Identification.**

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification and Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3") high with a one-half inch (½") stroke for individual suites and apartments, minimum four inches (4") high with a one-half inch (½") stroke for residential buildings, minimum eight inches (8") high with a one-half inch (½") stroke for commercial, multi-residential buildings, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

### **15.26.120 Section 505.3 Added—Response Map Updates.**

Section 505.3 of the CFC is added to read as follows:

505.3 Response Map Updates. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

### **15.26.130 Section 506.1 Amended—Key Boxes.**

Section 506.1 of the CFC is amended to read as follows:

506.1 Where required. All central station-monitored fire detection systems and fire sprinkler systems shall have an approved emergency key access box on site in an approved location. In addition, Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in

# Attachment B

accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

## **15.26.140 Section 507.5.1.1 Amended—Hydrant for Standpipe Systems.**

Section 507.5.1.1 of the CFC is amended to read as follows:

507.5.1.1 Hydrant for Standpipe Systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within fifty (50) feet of the fire department connection.

Exception: The distance shall be permitted to exceed fifty (50) feet where approved by the fire code official.

## **15.26.150 – Section 605.11.1.3.3 Amended – Smoke Ventilation**

Section 605.11.1.3.3 of the CFC is amended to read as follows:

1. In buildings or structures without an automatic fire sprinkler system, and without smoke and heat removal as prescribed by CBC section 910, arrays shall be not greater than fifty (50) feet by fifty (50) feet in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

2. In buildings or structures with an automatic fire sprinkler system, or with smoke and heat removal as prescribed by CBC section 910, arrays shall be not greater than one-hundred and fifty (150) feet by one-hundred and fifty (150) feet in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

## **15.26.160 Section 903.2 Amended—Where required.**

Section 903.2 of the CFC is amended to read as follows:

903.2 Where required. Approved automatic fire sprinkler systems are required in all new structures, and in locations described in Sections 903.2.1 through 903.2.12 where a change of occupancy occurs. Fire barriers, partitions and walls, regardless of rating, shall not be considered as creating separate buildings for purposes of determining fire sprinkler requirements. Mezzanines shall be included in the total square footage calculation. For additions, in other than R-3 and U occupancies, an automatic fire sprinkler system installed in accordance Section 903.2 shall be required to be installed throughout structures when the added square footage has caused deficient fire flow in the available water supply as required per section 507.3, or where hydrant spacing is deficient.

Additions to R-3 and U occupancies will require an automatic fire sprinkler system installed in accordance with 903.2 throughout the entire building when the added square footage is more than 50% of the existing building area and the combined square footage has created deficient fire flow in the available water supply as required per section 507.3, or when the added square footage is more than 50% of the existing square footage and the fire hydrant spacing is deficient. The fire code official may require an automatic sprinkler system be installed in buildings where no water main exists to provide the required fire flow or where a special hazard exists such as: poor access roads, grade and canyon rims, hazardous brush and response times greater than five (5) minutes by a the fire department. When fire sprinklers are required under additions, this shall mean the entire structure or structures shall be

## Attachment B

equipped with fire sprinklers. The fire code official may require that other protective measures be taken based on existing conditions and/or potential hazards.

Exceptions:

1. Unless required by other sections of this code, non-residential occupancies not greater than one thousand (1,000) square feet which are of ignition-resistant construction or as determined by the fire code official to not present a significant fire hazard.
2. Agricultural buildings constructed of wood or metal frames, over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.
3. Unless required by other sections of this code, ancillary structures less than 500 square feet and not determined to be a significant fire hazard by the fire code official.

### **15.26.170 Section 3318 Added—Fuel modification or vegetation modification.**

Section 3318 of the CFC is added to read as follows:

#### Section 3318 - Fuel Modification or Vegetation Modification

3318.1 Fuel modification zone during construction. Any person doing construction of any kind which requires a permit under this code or the building code shall install a fuel modification zone as approved by the fire code official, prior to allowing any combustible material to arrive on the site and shall maintain the zone during the duration of the project.

### **15.26.180 Section 5001.5.1.1 Added—HMMP Approved Location.**

Section 5001.5.1.1 of the CFC is added to read as follows:

5001.5.1.1 HMMP approved location. The hazardous materials management plan (HMMP) shall be placed in an approved location, in a security box or other method of storage as approved by the fire code official or designated representative.

### **15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.**

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

### **15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.**

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

### **15.26.210 Section 5806.2 Amended—Limitations.**

Section 5806.2 of the CFC is amended to read as follows:

# Attachment B

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

## **15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.**

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limits in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

## **Chapter 15.28 EXISTING BUILDING CODE**

### **15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.**

The California Existing Building Code, 2016 edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## **Chapter 15.30 GREEN BUILDING CODE**

### **15.30.010 Adoption of the 2016 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the City of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2016 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this Chapter of the City of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

## **Chapter 15.32 REFERENCE STANDARDS CODE**

### **15.32.010 Adoption of the 2016 California Reference Standards Code, Part 12, Title 24 of the California Code of Regulations.**

The California Reference Standards Code, 2016 edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## Chapter 15.38 ABATEMENT OF DANGEROUS BUILDINGS

### 15.38.010 Adoption of the Uniform Code for Abatement of Dangerous Buildings.

There is adopted and incorporated by reference herein as the city code for the Abatement of Dangerous Buildings (for the purpose of providing a method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished) the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, promulgated and published by the International Code Council, including such provisions as are hereinafter added, deleted or amended.

### 15.38.020 Deletions, revisions and additions.

The deletions, revisions and additions set forth in Sections 201, 202, 204, 205 and 801 and Chapters 4, 5, 6 and 7 are made to the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 349, 1996)

### 15.38.030 Section 201 amended.

Section 201 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 201. (a) Administration. The director of development services is hereby authorized to enforce the provisions of this code.

The director of development services shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as he or she may deem necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

(b) Inspections. The health officer, the fire marshal, the building official and the director of development services or their designees are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the director of development services or the director's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the director of development services or the director's authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of development services by this code, provided that if such building or premises be occupied, the authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of development services, or the director's authorized representative, shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the officers and their designees named in Section 201(b) and their authorized inspection personnel.

# Attachment B

**15.38.040 Section 202 amended.**

Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 202. All buildings or portions thereof which are determined after inspection by the director of development services to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

**15.38.050 Section 204 amended.**

Section 204 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 204. All buildings or structures within the scope of the code and all construction or work for which a permit is required shall be subject to inspection by an Authorized Representative in accordance with and in the manner provided by this code and Sections 110 and 1704 of the 2016 California Building Code.

**15.38.060 Section 205 is deleted.**

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is deleted from the code.

**15.38.070 Chapter 4 amended.**

Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

CHAPTER 4

NOTICES AND ORDERS OF DIRECTOR OF DEVELOPMENT SERVICES

General

Sec. 401. (a) Commencement of Proceedings. Whenever the director of development services has inspected or cause to be inspected any building and has found and determined that such building is a dangerous building, the director shall commence proceedings to cause the repair, vacation or demolition of the building.

(b) Notice and Order. The director of development services shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

- 1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
- 2. A statement that the director of development services has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
- 3. A statement of the action required to be taken as determined by the director of development services.

## Attachment B

(i) If the director of development services has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the director of development services shall determine is reasonable under all of the circumstances.

(ii) If the director of development services has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the director of development services to be reasonable.

(iii) If the director of development services has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the director of development services shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the director of development services shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the director of development services:

(i) will order the building vacated and posted to prevent further occupancy until the work is completed, and

(ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising

(i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the director of development services to the city council, provided the appeal is made in writing as provided in this code and filed with the city clerk within 10 days from the date of service of such notice and order; and

(ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the director of development services or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the director of development services to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this section.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized

## Attachment B

assessment roll of the county or as known to the director of development services. If no address of any such person so appears or is known to the director of development services, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(e) Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the director of development services.

### Recordation of Notice and Order

Sec. 402. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the director of development services shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the director of development services shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

### Repair, Vacation and Demolition

#### Sec. 403.

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

(i) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

(ii) The building shall be demolished at the option of the building owner; or

(iii) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

### Notice to Vacate

Sec. 404. (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 401(c), be posted at or upon each exit of the building and shall be substantially the following form.

# Attachment B

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

Director of Development Services, the City of Lemon Grove

(b) Compliance. Whenever such notice is posted, the director of development services shall include a notification thereof in the notice and order issued by him or her under Subsection (b) of Section 401, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

## **15.38.080 Chapter 5 amended.**

Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

### CHAPTER 5

#### APPEAL

##### General

Section 501. (a) Form of Appeal. Any person entitled to service under Section 401(c) may appeal any notice and order or any action of the director of development services under this code by filing with the city clerk a written appeal within ten (10) calendar days of the date of the written notice. The written appeal shall contain the following:

1. Completed application form and processing fee.
2. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contention of the appellant.
3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
4. The signatures of all parties named as appellants and their official mailing addresses.

(b) Processing of the Appeal. Upon receipt of any appeal filed pursuant to this section, the director of development services shall set the item for a hearing before a hearing officer.

(c) Scheduling and Noticing Appeal Hearing. The date of the hearing shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the city clerk. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the city clerk either by causing a copy of such notice to be delivered to the appellant

# Attachment B

personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

(d) Hearing Procedures. Hearing procedures shall be governed in the same manner as administrative citation appeal hearings in accordance with Section 1.24.100 of the Lemon Grove Municipal Code.

(e) Hearing Officer. Hearing Officer appointment and procedures shall be governed in the same manner as administrative citation hearing officer appointment and procedures in accordance with Section 1.24.090 of the Lemon Grove Municipal Code.

## Effect of Failure to Appeal

Section 502. Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of that person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

## Staying Order Under Appeal

Section 503. Except for vacation orders made pursuant to Section 403, enforcement of any notice and order of the director of development services issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

## **15.38.090 Chapter 6 deleted.**

Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings is deleted from the Code.

## **15.38.100 Chapter 7 amended.**

Chapter 7 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

### Chapter 7

#### ENFORCEMENT OF THE ORDER OF THE DIRECTOR OF DEVELOPMENT SERVICES

##### Compliance

Sec. 701. (a) General. After any order of the director of development services made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to Obey Order. If, after any order of the director of development services made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the director of development services may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

# Attachment B

1. The director of development services shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

Director of Development Services, the City of Lemon Grove

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the director of development services have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The director of development services may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

## Extension of Time to Perform Work

Sec. 702. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the director of development services may, in the discretion of the Director, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the director of development services determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

## Interference with Repair or Demolition Work Prohibited

Sec. 703. No person shall obstruct, impede or interfere with any officer, employee, contractor, or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

## 15.38.100 Section 801 amended.

Section 801 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

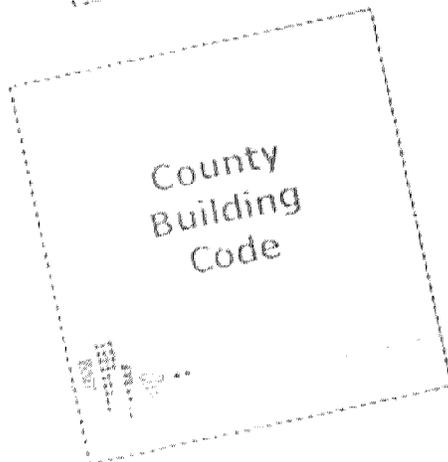
## Attachment B

Sec. 801. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 701(c)3 of this code, the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of the director of development services. Plans and specifications therefor may be prepared by the director of development services, or his/her representative, or he/she may employ such architectural and engineering assistance on a contract basis as he/she may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

# Guide for Local Amendments of Building Standards

This guide provides information for local government and Fire Protection Districts on the requirements of state law for local amendments to building standards.



July 2016



An educational publication from the  
California Building Standards Commission  
Available at [www.bsc.ca.gov](http://www.bsc.ca.gov)

# Attachment C

*Governor Edmund G. Brown Jr.*

*Marybel Batjer, Secretary of the Government Operations Agency*

*Daniel C. Kim, Director of Department of General Services*

*Members of the California Building Standards Commission*

*Secretary Marybel Batjer, Chair*

*Rajesh Patel*

*James Barthman*

*Steven Winkel*

*Kent Sasaki*

*Elley Klausbruckner*

*Peter Santillan*

*Larry Booth*

*Vacant Position*

*Erick Mikiten*

*Vacant Position*

*Mia Marvalli, Executive Director*

*Michael Nearman, Deputy Executive Director*

## Table of Contents

|   |    |
|---|----|
| Introduction .....  | 1  |
| Glossary of Terms, Acronyms, and Abbreviations .....                  | 1  |
| Applicable State Laws .....   | 2  |
| Applicability of State Published Building Standards .....             | 3  |
| Availability of Referenced Laws and Regulations .....                 | 4  |
| Fundamental Requirements .....  | 4  |
| Local Code Amendment Authority and Requirements .....                 | 6  |
| Causes for CBSC Rejection .....                                       | 15 |
| Local Administrative Ordinances .....                                 | 16 |
| Appendix 1. Referenced State Laws .....                               | 17 |
| Appendix 2. Referenced State Regulations and Building Standards ..... | 25 |
| Appendix 3. CBSC Educational Publications .....                       | 27 |

# Attachment C

## Introduction

This guide is provided by the California Building Standards Commission (CBSC hereafter) for the purpose of assisting local government with the requirements in state law applying to local amendments to the California Building Standards Code, in Title 24, California Code of Regulations, as published by the CBSC. This guide supersedes previously issued CBSC Information Bulletins 10-03 and 11-01. While state laws are explained and clarifying information is provided, not every state law pertaining to a local amendment may be identified or discussed. Reprints of the laws and regulations referenced herein are provided in Appendix 1 and 2 at the end of this guide.

This guide and other educational documents are available at no charge from the CBSC website <http://www.bsc.ca.gov>. In particular, our *Guide to Title 24* should be studied by persons not already trained in the application and use of Title 24. Much of the discussion in our *Guide to Title 24* provides background information that will be helpful when using this guide. A listing of our educational publications is provided in Appendix 3 at the end of this guide. If you have not studied our *Guide to Title 24*, keep these fundamentals in mind as you read this guide.

- State laws are enacted through the legislative process.
- State regulations, including building standards, are enacted by state agencies as required by state laws for the purpose of implementing, interpreting, clarifying and carrying out the requirements of state law.
- The CBSC is required by state law to adopt, approve, and publish building standards in Title 24, California Code of Regulations, that apply statewide to all building occupancies.

## Glossary of Terms, Acronyms, and Abbreviations

The following terms, acronyms, and abbreviations are used in this guide.

- CBC: means the California Building Code, which is Part 2 of Title 24, California Code of Regulations
- CBSC: means the California Building Standards Commission
- CEC: means the California Energy Commission
- GC: Government Code (state law)

HCD: Department of Housing and Community Development

HSC: means the Health and Safety Code (state law)

PRC: means the Public Resources Code (state law)

SHBSB: means the State Historical Building Safety Board

California Code of Regulations (CCR): Regulations by the Executive Branch agencies and departments of state government adopted to implement state laws. The CCR is subdivided into 28 titles (Title 1 through 28). Each title has a particular subject area.

Title 24: the 24<sup>th</sup> of 28 titles subdividing the California Code of Regulations. Title 24 contains building standards governing the design and construction of buildings throughout California.

Title 25: the 25<sup>th</sup> of 28 titles subdividing the California Code of Regulations. Title 25 has regulations adopted by the Department of Housing and Community Development.

A more extensive *Glossary of Terms* relating to the adoption, publication, and application of building standards is available at the CBSC website <http://www.bsc.ca.gov/>, under the Education tab.

### Applicable State Laws

The state law that establishes the statewide building standards code, known as the California Building Standards Code, located in Title 24 of the California Code of Regulations, is found in the California Health and Safety Code. Within state law there are various provisions establishing requirements and building standards for the various types of buildings, building uses, features and equipment. Let's discuss two bodies of law within the Health and Safety Code regarding building standards.

Note: A building standard is defined in Health and Safety Code Section 18900. In short a building standard is a regulation governing the design and construction of a building. Page 4 of this guide provides for information on how to access state laws online.

The first state law relating to the subject is known as the California Building Standards Law and it is located in Division 13, Part 2.5, commencing with Section 18901 of the Health and Safety Code. The provisions of Part 2.5 govern the work of

# Attachment C

the CBSC and how the code adopted and published by the CBSC applies to all building occupancies throughout California.

The second body of law is known as the State Housing Law, which is located in Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910. Part 1.5 establishes authority for the Department of Housing and Community Development to develop and propose building standards applicable to residential occupancies, including hotels, motels, lodging houses, apartment houses, and dwellings. Such proposals are presented to the CBSC for adoption and publication in the California Building Standards Code, Title 24, California Code of Regulations (Title 24 hereafter). Additionally, the Department of Housing and Community Development (HCD) has adopted administrative regulations (not building standards) to implement the State Housing Law, which are located in Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1, of the California Code of Regulations. These administrative regulations should not be confused with the building standards developed by the Department of Housing and Community Development that are adopted and published in Title 24 by the CBSC.

The State Housing Law also requires the Office of the State Fire Marshal (SFM) to develop and propose building standards for fire and panic safety in residential occupancies including hotels, motels, lodging houses, apartment houses, and dwellings. Such building standards are presented to the CBSC for adoption and publication in Title 24.

Here we have discussed two bodies of state law mandating requirements for buildings. There are many more. For additional information on state laws requiring building standards for the various types of buildings and building uses, refer to Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24). The authority and reference provisions of each section identifies the state laws that mandate the enactment of building standards and assigns the responsibility to develop building standards to the state agencies. This subject is explained in detail in our *Guide to Title 24*.

## Applicability of State Published Building Standards

The portions of the Health and Safety Code discussed above establish that Title 24 published by the CBSC, which incorporates the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. The utilization of the selected model codes is explained in our *Guide to Title 24*. It should

be understood that the model codes by themselves do not include all applicable requirements for the design and construction of buildings in California.

[References: Health and Safety Code (HSC) 17950 and 18938(b) available in Appendix 1]

### Availability of Referenced Laws and Regulations

1. **State Law:** All state laws referenced herein may be accessed at the state website <http://www.leginfo.ca.gov/>.
2. **Title 24:** Title 24 of the California Code of Regulations, known as the California Building Standards Code, may be accessed through the CBSC website <http://www.bsc.ca.gov/>.
3. **Titles other than Title 24:** Titles 1 through 28, except for Title 24, of the California Code of Regulations may be access at the Office of Administrative Law website <http://www.oal.ca.gov/>.

### Fundamental Requirements

A brief summary of the responsibilities and authorities of local government established in state law regarding building standards follows.

1. **Local Government Enforcement:** Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by the CBSC. Examples of buildings subject to state enforcement include hospitals, prisons, state government buildings, University of California buildings, California State University buildings, and Community College buildings. Most all other building types and occupancies are subject to local enforcement. Enforcement responsibilities are clarified in Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24)

[References: HSC 13145, 13146, 13196, 17960, 17961, 17962, 18959, and 19958, GC 4453(b), Civil Code 55.53, and PRC 25402.1(g), available in Appendix 1]

# Attachment C

2. **Code by Default:** The majority of local governments adopt the published Title 24 by reference in local ordinances. This is commonly called an adoption ordinance. If local government does not adopted Title 24 by local ordinance, Title 24 is the applicable code by default. Title 24 applies throughout the state and to all building occupancies, whether or not the local government has an adoption ordinance. This is made clear in Health and Safety Code Sections 17958 and 18938, and in Section 1.1.3 of Chapter 1, Division 1, in the California Building Code (Part 2 of Title 24).

[References: HSC 17958 and 18938(b) available in Appendix 1 and CBC 1.1.3 available in Appendix 2.]

3. **Local Amendments Permitted:** Various state laws identified herein authorize local government and Fire Protection Districts to adopt local ordinances making amendments to the building standards of Title 24. To do so, the local government or Fire Protection District must satisfy the requirements of state law applicable to the type of amendment. Each of the state laws authorizing local amendments include specific requirements to be satisfied before the local amendments may be effective and enforced. All these requirements are explained *Local Code Amendment Authority and Requirements* herein.

Local ordinances making amendments to Title 24 that have been filed with the CBSC and accepted as meeting the filing requirements of state law are available for viewing at *Local Filings*, under the *Codes* tab at the CBSC website <http://www.bsc.ca.gov/>.

4. **Amendments must be adopted for each new edition of Title 24:** Local amendments must be specific to an edition of Title 24. Thus, with each new edition of Title 24, local government must satisfy all the requirements in state law applying to local amendments. All the requirements are explained in *Local Code Amendment Authority and Requirements* herein.
5. **Amendments must be filed with the State:** Local ordinances making amendment to Title 24 are neither effective nor operative until filed with the CBSC, the Department of Housing and Community Development, or the State Historical Building Safety Board, as appropriate. This matter is discussed in more detail in *Local Code Amendment Authority and Requirements* herein.

6. **Public Access to Code:** Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. Additionally, the action to amend the provisions of Title 24 must be part of the public record.

[References: HSC Section 17958.7 and 18942 available in Appendix 1]

NOTE: Our educational document *It's Your Building Department*, provides considerable information about the requirements of state law applying to local building departments. Access this document at the CBSC website <http://www.bsc.ca.gov> under the *Education or Publications* tab.

## Local Code Amendment Authority and Requirements

Local government may amend the building standards contained in Title 24 of the California Code of Regulations as provided in state law. The state laws regarding local amendments are specific to the types of buildings and building features, and establish requirements and restrictions for the amendments. In order to determine the requirements applicable to a planned local amendment, the local agency or Fire Protection District must determine which state law applies. Listed separately below, are the requirements under each of the state laws that authorize local amendments.

### 1. Local Amendments under the California Building Standards Law:

**Authority:** Health and Safety Code Sections 18941.5, with reference to HSC Section 17958.7, allows for more restrictive local amendments that are reasonably necessary because of local climatic, geological, or topographical conditions. Section 101.7.1 of Part 11 of Title 24, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county.

[References: HSC 18941.5, 17958.5 and 17958.7 available in Appendix 1 and CBC 1.1.8 and 1.6.6 available in Appendix 2]

**Amendment Application:** Amendments to Title 24 made under the authority of HSC 18941.5 may apply to any building, or building feature, that is not otherwise subject to another state law listed herein. For example, amendments for

# Attachment C

residential buildings, historic buildings, and energy conservation are among the subjects of other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

**Document Requirements:** Documents must be expressly marked to clearly identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- Amendments must be more restrictive building standards, including green building standards, than the building standards provided in Title 24.
- The amendment documentation must clearly show that the local governing body made an express finding that amendments to the building standards in Title 24, including green building standards, are reasonably necessary because of local climatic, geological, or topographical conditions. Each amendment must meet these requirements.

**Filing Requirements:** Local amendments are not effective until copies of the amendment documents meeting the requirements have been filed with the CBSC. Address amendment documents to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: [ordinancefilings@cds.ca.gov](mailto:ordinancefilings@cds.ca.gov), provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

## 2. Local Amendments under the State Housing Law:

Note. The following discussion does not apply to local amendments regarding Universal Design made pursuant to HSC 17959. Universal Design amendments are discussed separately below:

**Amendment Authority:** Health and Safety Code Sections 17958, 17958.5 and 17958.7 (State Housing Law) authorizes local amendments to the building standards in Title 24, including green building standards, applying to residential occupancies, including hotels, motels, apartments, and dwellings, and for amendment of HCD regulations in Title 25, Division 1, Chapter 1, Subchapter 1, that are reasonably necessary because of local climatic, geological, or topographical conditions.

Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive building standards, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive.

[References: HSC 17958, 17958.5 and 17958.7, available in Appendix 1. Section 1.8.6, Title 24, Part 2 (CBC) is available in Appendix 2.

**Amendment Application:** Amendments made under the authority of the State Housing Law may apply to only residential occupancies identified in Title 24, Part 2.

**Document Requirements:** Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has made an express finding that amendments to either the building standards, including green building standards, for residential construction contained in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.

Note: See Information Bulletin 2016-03 (SHL) dated May 9, 2016, issued by the Department of Housing and Community Development (HCD) regarding local amendments to the HCD regulations in Title 25, California Code of Regulations. There are specific requirements on how local amendments may be made for Limited-Density Owner-Built Rural Dwellings and Seismic Retrofit Standards, and filed with HCD. Access the bulletin at the HCD website <http://www.hcd.ca.gov/ccoes/state-housing-law/>

# Attachment C

**Filing Requirements:** The local amendments made pursuant to the State Housing Law are not effective until filed with the CBSC. Address amendment documents to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: [ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov), provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

### 3. Local Amendments for Universal Design in Housing:

**Amendment Authority:** Health and Safety Code Section 17959 authorizes local ordinances for Universal Design in residential occupancies based on guidelines and the Model Universal Design Model Ordinance developed by HCD. In general, the HCD Model Ordinance applies to new or substantially rehabilitated single-family, duplex, and triplex residential dwellings (except for custom-built homes) that are not otherwise subject to the accessibility requirements in Part 2 of Title 24.

Such a local ordinance for Universal Design may make changes or modifications in addition to or in excess of the accessibility requirements contained in Title 24, but must not provide for less restrictive requirements than provided by any applicable Title 24 provision.

HCD provides the following Universal Design documents:

- HCD Model Universal Design Local Ordinance (AB 2787)
- Housing Accessibility Checklist — (Adobe PDF)
- HCD New Home Universal Design Checklist (AB 1400)

Access these documents are available at the HCD website

<http://www.hcd.ca.gov/codes/state-housing-law/accessibility.html>

[References: HSC 17958.5, 17959, and 18941.5]

**Amendment Document Requirements:** Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has based the ordinances on the HCD guidelines or Universal Design model ordinance, or made a finding that the changes and modifications are reasonably necessary and are substantially the same as the HCD guidelines or model ordinance.

**Filing Requirements:** Local amendments made pursuant to HSC17959 shall not be effective or enforceable until filed with both HCD and CBSC. Address the amendment documents to:

Department of Housing and Community Development  
Division of Codes and Standards,  
State Housing Law Program  
2020 West El Camino Avenue, Suite 250  
Sacramento, CA 95833

AND

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936, or submit to CBSC an electronic searchable PDF (Portable Document Format) via the following email address: [ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov), provided the documents include the ordinance identification and signature of the governing body officials.

Note: A local ordinance adopting Universal Design requirements that do not amend Title 24 building standards need only be filed with HCD

Local amendments accepted for filing by the CBSC will be made available to the public on the CBSC website.

4. Local Amendments Under the Fire Protection District Law:

Authority: Section 13869.7 of the Fire Protection District Law of 1987 (Health and Safety Code, Division 12, Part 2.7), authorizes a local fire protection district to adopt ordinances with fire and panic safety requirements more restrictive than those fire and panic safety provisions in Title 24 shown adopted by the Office of

# Attachment C

the State Fire Marshal (SFM) The local ordinance establishing more restrictive fire and panic safety requirements must be limited only to that needed for local climatic, geological, or topographical conditions.

[References: HSC 13869.7 and 18941.5 with reference to HSC 17958.7, available in Appendix 1, and CBC 1 1.8 and 1 8.6, available in Appendix 2.]

**Amendment Application:** Amendments to Title 24 made under the authority listed above may apply to fire and panic requirements in any building or building feature subject to the provisions of Title 24 shown in the code or Matrix Adoption Tables as adopted by the State Fire Marshal

**Document Requirements:** Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The Fire Protection District board made an express finding that amendments to building standards for fire and panic safety in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.
- The Fire Protection District presented proposed amendments to the city, county, or city and county where the amendments will apply, for a 30-day review.
- The Fire Protection District obtained the ratification (approval) by the city, county, or city and county where the amendment will apply. The amendments are not effective without the ratification by the city, county, or city and county where the amendment will apply. When ratified, the amendments become effective.

**Filing Requirements:** The amendment(s) documents must be filed with the Department of Housing and Community Development by the city, county, or city and county where the amendments will apply, along with the adopting ordinance and findings of the city, county, or city and county. Address the amendment documents to:

Department of Housing and Community Development  
Division of Codes and Standards,  
State Housing Law Program  
2020 West El Camino Avenue, Suite 250  
Sacramento CA 95833

5. Local Amendments for Fire and Panic Safety:

Authority: Health and Safety Code Section 13143.5 authorizes local government, other than a Fire Protection District subject to HSC Section 13869.7, to adopt more restrictive local amendments than the fire and panic provisions of Title 24 provide. Additionally, Section 13143.5 (b) and (c) authorizes local amendments to require residential fire sprinkler systems in new housing, or retrofitted existing housing when not otherwise required by Title 24.

[References: HSC 13143.5, 17958.5, 17958.7 and 18941.5, available in Appendix 1]

Amendment Application: Amendments made under the authority of HSC 13143.5(a), may apply to the same residential buildings as are subject to the fire and panic provisions of Title 24. Amendments for residential fire sprinkler systems under the authority of HSC 13143.5 (b) or (c), may apply to new additions to existing residential buildings, or to existing residential buildings.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has made an express finding that the amendments for more restrictive fire and panic safety under HSC 13143.5 are reasonably necessary because of local climatic, geological, or topographical conditions.

Filing Requirements: The local amendments made pursuant to HSC 13143.5 (b) and or (c), shall be filed with the CBSC. Address amendment documents to

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: [ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov) provided the documents include the ordinance identification and signature of the governing body officials.

# Attachment C

The CBSC will acknowledge receipt and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

## 6. Local Amendments for Energy Conservation:

**Amendment Authority:** Public Resources Code Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the California Energy Code, Part 6, Title 24, California Code of Regulations. Section 10-106 of Chapter 10, Part 1, Title 24, California Code of Regulations, requires local government to gain approval of a local energy conservation requirement. Local governments must apply to the California Energy Commission(CEC) for approval, documenting the supporting analysis on how the local government has determined that the proposed local standard will save more energy than the current provisions in Part 6, Title 24, and the local government's determination that the local standards are cost-effective.

Once the CEC staff has verified that the local standards will require buildings to use no more energy than the current provisions of Part 6, Title 24, and that all requirements of Section 10-106 are met, the application will be brought before the full CEC for approval. Only those local energy amendments approved by the CEC are lawfully enforceable.

**Recommendation:** Contact the CEC Building Standards Office before starting the process of adopting local amendments to Part 6 of Title 24. The CEC staff is available to help create the necessary documentation that will meet CEC approval upon application.

CEC Contact: Ingrid Neumann  
Email Address: [ingrid.neumann@energy.ca.gov](mailto:ingrid.neumann@energy.ca.gov)  
Mailing Address:  
California Energy Commission  
1516 Ninth Street, MS-37  
Sacramento, CA 95814-5512

[References: Public Resources Code Section 25402.1, available in Appendix 1, and Title 24, Part 1, Section 10-106 available in Appendix 2.]

**Amendment Application:** Amendments to Title 24 made under the authority of Public Resources Code Section 25402 1(h)(2), may, when approved, apply to

any building occupancy subject to the California Energy Code, in Part 6 of Title 24.

**Document Requirement:** Amendment documents must be expressly marked to identify or demonstrate the following:

- Approval by the California Energy Commission.
- Approval by the local governing body.
- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.

**Filing Requirements:** Amendment documents made under the authority provided in the Public Resources Code must be filed with CBSC. Address printed amendment documents to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: [ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov), provided the documents include the ordinance identification and signature of the governing body officials.

CBSC will acknowledge receipt and review findings in writing. Be advised that filing amendments to Part 6 of Title 24 with the CBSC does not make the amendment lawfully enforceable until approved by the California Energy Commission. Local amendments accepted for filing will be made available to the public on the CBSC website.

#### 7. Local Amendments under the State Historical Building Code:

**Authority:** Section 18959 of the Health and Safety Code, Division 13 Part 2.7, authorizes local government to make amendments to the building standards for qualified historical buildings in Part 8 of Title 24

Note: Part 2.7 of Health and Safety Code Division 13 is known as the State Historical Building Code and Part 8 of Title 24 is known as the California Historical Building Code.

# Attachment C

[Reference: HSC 18959]

**Amendment Application:** Amendments under the authority of the Health and Safety Code Section 18959(f), may only apply to qualified historical buildings subject to Part 8 of Title 24.

**Document Requirements:** Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24, Part 8, section being amended.
- The local governing body has made an express finding that the amendments are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The record of this action must be available as a public record.

**Filing Requirements:** Local amendments made under the authority provided in the Health and Safety Code Section 18959(f) shall not become effective or operative for any purpose until the finding and amendment documents have been filed with the State Historical Building Safety Board. Address amendment documents to:

Executive Director  
State Historical Building Safety Board  
Division of the State Architect  
1102 'Q' Street, Suite 5100  
Sacramento, CA 95811-6550

## Causes for CBSC Rejection

The CBSC conducts a review of all received filings of local amendments to Title 24 for compliance with the requirements of Health and Safety Code Section 17958.7 and 18941.5. The CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological, or topographical conditions necessitating the amendments. The following are common causes for rejecting an amendment filing:

- The filing documents indicate the adoption of model codes, or amendment to model codes alone. Only Title 24 as published by the CBSC that incorporates model codes, and the related Title 25 regulations of HCD, are subject to adoption and amendment by local government, or a Fire Protection District.

- The amendments are not expressly marked in a manner to distinguish the amendments from the CBSC published text of Title 24.
- The filing documents do not include the required express findings that each amendment is reasonably necessary for local climatic, geological or topographic conditions, when required by the authorizing state law. Vague generalizations that amendments are necessary of local climatic, geological, and topographic conditions are not adequate.
- There is no evidence by an identification number, signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the filed amendment documents were the result of a lawful action of the local governing body.

Those filings that meet the requirements of law are posted on the CBSC website as *Local Code Ordinances* under our *Rulemaking* tab. All submitting local governments receive a letter from the CBSC advising of the acceptance of the filing, or identifying the cause for rejection. Rejected filings may be corrected and resubmitted to the CBSC for filing.

### Local Administrative Ordinances

Local ordinances and regulations necessary to carryout procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for carrying out and enforcing building standards, and that do not establish building standards may be enacted without meeting the requirements of the state laws cited herein governing Title 24 building standards amendments. Additionally, local ordinances that merely adopt Title 24 by reference without amendments need not be filed with the CBSC, HCD, or SHBSB. Read HSC Section 18909(c) regarding a regulation that is not a building standard.

# Attachment C

## Appendix 1. Referenced State Laws

Note: Only those state laws pertaining to local amendments to Title 24 discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State laws may be accessed online at the state website <http://leginfo.legislature.ca.gov/>

*Health and Safety Code Section 13143.5. (a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.*

*(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.*

*(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.*

*(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.*

*(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.*

*(f) (1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:*

*(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.*

*(B) The chief building official of the city, county, or city and county, or his or her authorized representative.*

*(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 06014 of the Government Code.*

*(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13569.7, to the building standard relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.*

*(h) All structures governed by Part 2 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).*

*Health and Safety Codes Section 13145. The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.*

*Health and Safety Code Section 13146. The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:*

*(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:*

*(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.*

*(2) The chief building official of the city, county, or city and county, or his or her authorized representative.*

*(b) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).*

*(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.*

*(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.*

*(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.*

*(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.*

*Health and Safety Code Section 13196. The regulations and building standards adopted pursuant to Section 13195 shall be enforced pursuant to Sections 13145 and 13146.*

*Health and Safety Code Section 13869.7. (a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 13941.5.*

*(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.*

*(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.*

# Attachment C

(d) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.

(g) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(h) (1) A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 06014 of the Government Code.

*Health and Safety Code Section 17950. The provisions of this part, the building standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.*

*Health and Safety Code Section 17958. Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 150 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 150 days after publication of the California Building Standards Code by the California Building Standards Commission.*

*Health and Safety Code Section 17958.5. Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make those changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922, including, but not limited to, green building standards as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary, because of local climatic, ecological, or topographical conditions.*

*For purposes of this section, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, including, but not limited to, green building standards contained in the provisions of the code and regulations on the basis of local conditions.*

*Health and Safety Code Section 17958.7. (a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or*

topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

*Health and Safety Code Section 17959. (a) No later than December 31, 2003, the department shall consider proposed universal design guidelines for home construction or home modifications which may be submitted by the California Department of Aging, the California Commission on Aging, the Department of Rehabilitation, the office of the State Architect of the Department of General Services, the office of the State Fire Marshal, the California Building Standards Commission, or other state departments. Thereafter, the department, without significantly impacting housing cost and affordability, shall, in consultation with these agencies, develop guidelines and at least one model ordinance for new construction and home modifications that is consistent with the principles of universal design as promulgated by the Center for Universal Design at North Carolina State University or other similar design guidelines that enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In developing these guidelines and model ordinances, the department also shall meet with, and solicit information from, individuals and organizations representing individuals and entities with interests in construction, local governments, the health and welfare of senior citizens and persons with disabilities, architects, and others with expertise in these design and living issues. The department shall ensure that at least three meetings subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code) shall occur, that shall include opportunities for government agencies, individuals, and organizations identified in this subdivision to participate and comment on proposed guidelines or draft model ordinances.*

*(b) (1) In addition to the authority granted by Sections 17958.5 and 18941.5, and for the purposes of this section, a city, county, or city and county may, by ordinance, make changes or modifications in addition to or in excess of the requirements contained in the California Building Standards Code adopted pursuant to Sections 17922 and 18928 if the city, county, or city and county makes a finding that the changes and modifications are reasonably necessary and are substantially the same as the guidelines or model ordinances adopted pursuant to subdivision (a). In no case shall the changes or modifications be less restrictive than the requirements published in the California Building Standards Code.*

*(2) A city, county, or city and county adopting an ordinance pursuant to this subdivision shall file a copy of the ordinance and the findings with the department. No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the department. The department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.*

*(c) (1) In a city, county, or city and county where a universal design ordinance has not been adopted pursuant to subdivision (b), developers of housing for senior citizens, persons with disabilities, and other persons and families are encouraged, but not required, to seek information and assistance from the department and the California Department of Aging regarding the principles of universal design specified in subdivision (a) and consider those principles in their construction.*

*(2) The department, the California Department of Aging, and any other interested state agency also may, to the extent feasible, disseminate information to interested persons and entities in all parts of the state regarding the principles of universal design and their relationship to new construction and home modifications.*

*(d) Subdivision (b) shall become operative on January 1, 2005.*

*Health and Safety Code Section 17960. The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection,*

# Attachment C

construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings

*Health and Safety Code Section 17961. (a) The housing or building department or, if there is no building department acting pursuant to this section, the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275, shall enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. The health department or the environmental agency may, in conjunction with a local housing or building department acting pursuant to this section, enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. Each department and agency, as applicable, shall coordinate enforcement activities with each other and interested departments and agencies in order to avoid unnecessary duplication.*

*(b) Notwithstanding subdivision (a), the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275 may, in addition to the local building or housing department, if any, enforce within its jurisdiction the provisions of Section 17920.10 and shall coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.*

*(c) The State Department of Public Health may enforce Section 17920.10 if any local agency or department specified in subdivisions (a) and (b) enters into a written agreement, approved and published pursuant to local government procedures, with the State Department of Public Health to enforce that section, or provides the State Department of Public Health with a written request to enforce that section for a specific case following the identification of a lead poisoned child in that jurisdiction.*

*Health and Safety Code Section 17962. The chief of any city or any county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas all those provisions of this part, the building standards published in the State Building Standards Code relating to fire and panic safety, and those rules and regulations promulgated pursuant to the provisions of this part pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic*

*Health and Safety Code Section 18938. (a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.*

*(b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Construction of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.*

*(c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of standards adopted pursuant to Section 25402 of the Public Resources Code*

and those regulations that implement or enforce building standards. Regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

*Health and Safety Code Section 18941.5. (a) (1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.*

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13569.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

*Health and Safety Code Section 18942(e) (Only subsection "e" is provided here)*

(e) (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 5, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.

(2) This subdivision shall not apply to a city or county that contracts for the administration and enforcement of the provisions of this part with another local government agency that complies with this section.

*Health and Safety Code Section 18959. (a) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all state agencies shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.*

(b) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all local authorities shall, within their legal authority, administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdictions where applicable.

(c) The State Historical Building Safety Board shall coordinate and consult with the other applicable state agencies affected by this part and, except as provided in Section 18943, disseminate provisions adopted pursuant to this part to all local building authorities and state agencies at cost.

# Attachment C

(d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are enforced under Sections 13145, 13146, and 13146.5

(e) Regular and alternative building standards published in the California Building Standards Code shall be enforced in the same manner by the same governmental entities as provided by law.

(f) When administering and enforcing this part, each local agency may make changes or modifications in the requirements contained in the California Historical Building Code, as described in Section 15944.7, as it determines are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The local agency shall make an express finding that the modifications or changes are needed, and the finding shall be available as a public record. A copy of the finding and change or modification shall be filed with the State Historical Building Safety Board. No modification or change shall become effective or operative for any purpose until the finding and modification or change has been filed with the board.

*Health and Safety Code Section 19958: The building department of every city, county, or city and county shall enforce this part within the territorial area of its city, county, or city and county. The responsibility for enforcing Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code in its application under this part shall be by such building department within the territorial area of its city, county, or city and county.*

*"Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.*

*(Added by Stats. 1969, Ch. 1560.)*

Note. The word "part" in HSC 19958 is referencing Part 5.5. of Division 13. to the Health and Safety Code, entitled Access to Public Accommodations by Physically Handicapped Persons

*Government Code Section 4453(b). The responsibility for enforcement of this chapter shall be as follows:*

*(a) By the Director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects*

*(b) By the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided in (a) above.*

*Public Resources Code Section 25402.1 (g) (only subsection 'g' is shown here)*

*(g) Subdivisions (a) and (b) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant thereto, shall be enforced by the building department of every city, county, or city and county.*

*(1) No building permit for any residential or nonresidential building shall be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) of Section 25402 and this section applicable to the building.*

*(2) Where there is no local building department, the commission shall enforce subdivisions (a) and (b) of Section 25402 and this section.*

*(3) If a local building department fails to enforce subdivisions (a) and (b) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may provide enforcement after furnishing 10 days' written notice to the local building department.*

*(4) A city, county, or city and county may, by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The commission may establish a schedule of fees sufficient to pay the costs incurred by that enforcement.*

*(5) No construction of any state building shall commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property reviews the plans for the proposed building and certifies that the plans satisfy the minimum standards established pursuant to subdivision (a) or (b) of Chapter*

2.5 (commencing with Section 15514.30) of Part 10b of Division 3 of Title 2 of the Government Code, Section 25401, and this section which are applicable to the building.

*Government Code Section 55.53(d) (only subsection (d) (1) and (2) are provided here). (d) (1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.*

*(2) Commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.*

# Attachment C

## Appendix 2. Referenced State Regulations and Building Standards

Note: Only those state regulations pertaining to local amendments to Title 24, or Title 25, discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State regulations may be accessed online at the state website <http://www.oal.ca.gov/>.

### *California Code of Regulations, Title 24, Part 1, Chapter 10, Section 10-106. LOCALLY ADOPTED ENERGY STANDARDS*

(a) *Requirements.* Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings provided the Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by Title 24, Part 6. (b) *Documentation Application.* Local governmental agencies wishing to enforce locally adopted energy standards shall submit an application with the following materials to the Executive Director: 1. The proposed energy standards; 2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards; 3. A statement of finding by the local governmental agency that the local energy standards will require buildings to be designed to consume no more energy than permitted by Part 6; and 4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Pub. Resources Code Section 21000 et seq. NOTE: Authority: Section 25402.1, Public Resources Code

### *California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.3. Scope.*

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California. 1.1.3.1 *Nonstate-regulated buildings, structures and applications.* Except as modified by local ordinance pursuant to Section 1.1.5, the following standards in the California Code of Regulations, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 9, 10 and 11 shall apply to all occupancies and applications not regulated by a state agency.

Note: Subsection 1.1.3.2 regarding state-regulated buildings is not shown.

*California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.8. City, county, or city and county amendments, additions or deletions.* The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.5.1. The effective date of amendments, additions or deletions to this code by a city, county, or city and county filed pursuant to Section 1.1.5.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code. Local modifications shall comply with Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 18669.7 for Fire Protection Districts.

#### *1.1.8.1 Findings and filings.*

1. The city, county, or city and county shall make express findings for each amendment, addition or deletion based upon climatic, topographical or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county, or city and county shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the

amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833

3. Findings prepared by fire protection districts shall be ratified by the local city, county or city and county and filed with the California Department of Housing and Community Development, Division of Codes and Standards, P. O. Box 1407, Sacramento, CA 95812-1407 or 2020 West El Camino Avenue, Suite 250, Sacramento, CA 95833-1529.

*1.1.3.2 Locally adopted energy standards – California Energy Code, Part 6* In addition to the provisions of Section 1.1.3.1 of this Part, the provisions of this section shall apply to a city, county, and city and county adopting local energy standards applicable to buildings and structures subject to the California Energy Code, Part 6.

Applicable provisions of Public Resources Code Section 25402.1(h)(2) and applicable provisions of Section 10-106, Chapter 10 of the California Administrative Code, Part 1 apply to locally adopted energy standards amending the California Energy Code, Part 6.

*California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.8.6. Local Modification by Ordinance or Regulation.*

*1.8.6.1 General.* Subject to other provisions of law, a city, county, or city and county may make changes to the provisions adopted by the Department of Housing and Community Development. If any city, county, or city and county does not amend, add or repeal by local ordinances or regulations the provisions published in this code or other regulations promulgated by the Department of Housing and Community Development, those provisions shall be applicable and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions and deletions to this code adopted by a city, county, or city and county pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, together with all applicable portions of this code, shall also become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

*1.8.6.2 Findings, filings and rejections of local modifications.* Prior to making any modifications or establishing more restrictive building standards, the governing body shall make express findings and filings, as required by California Health and Safety Code Section 17955.7, showing that such modifications are reasonably necessary due to local climatic, geological, or topographical conditions. No modification shall become effective or operative unless the following requirements are met:

1. The express findings shall be made available as a public record
  2. A copy of the modification and express finding, each document marked to cross-reference the other, shall be filed with the California Building Standards Commission for a city, county, or city and county, and with the Department of Housing and Community Development for fire protection districts.
  3. The California Building Standards Commission has not rejected the modification or change.
- Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7(a).

# Attachment C

## Appendix 3. CBSC Educational Publications

The California Building Standards Commission has developed a variety of educational materials and publications that are available on the CBSC website <http://www.bsc.ca.gov/>. The materials may be accessed at no cost and read online or printed for your use and distribution. Look on our website home page and under the *Education* or *Publications* tabs for the following materials.

- How to Use our Website
- Glossary of Terms
- Frequently Asked Questions
- Code Book Fundamentals
- Guide to Title 24 (2013 & 2010 editions)
- Guide to the (Non-Residential) 2013 California Green Building Standards Code
- Guide to California Green Building Standards Code, Non-Residential (Commissioning)
- It's Your Building Department (For Local Jurisdictions)
- Accessing State Regulations Online
- Accessing State Laws Online
- Accessing State Legislation Online
- Guide for Creating Proposed Building Standards (For State Agencies)
- Guide to Filing Permit Surcharge Fees (Green Fees)
- Building Standards Information Bulletins
- CALCode Quarterly, an e-publication online newsletter
- Zero-Emission Vehicles in California: Community Readiness Guidebook (Published by the Governor's Office of Planning and Research)
- Local Filings of Code Amendment –Webinar via YouTube and a Webinar slide presentation (pdf)

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No.   3    
Mtg. Date   November 1, 2016    
Dept.   City Attorney  

**Item Title: Ordinance No. 442: Amending Title II (Administration and Personnel), Chapter 2.04 (City Manager) Reorganizing Authority of City Officers**

**Staff Contact:** James P. Lough, City Attorney

**Recommendation:**

Introduce Ordinance No. 442, by Title, publish an Ordinance Summary and set for adoption at the Regular City Council Meeting of November 15, 2016 (**Attachment B**)

**Item Summary:**

This Ordinance clarifies areas of responsibility for management under the Council-Manager Form of Government applicable in Lemon Grove. It assigns management responsibilities of the Treasurer and City Clerk to the City Manager. It also clarifies management responsibilities over intergovernmental relations. The Staff Report (**Attachment A**) provides an analysis regarding the proposed ordinance.

**Fiscal Impact:**

None..

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section   | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Ordinance

## LEMON GROVE CITY COUNCIL

### STAFF REPORT

Item No.   3  

Mtg. Date   November 1, 2016  

Item Title: **Ordinance No. 442: Amending Title II (Administration and Personnel), Chapter 2.04 (City Manager) Reorganizing Authority of City Officers.**

Staff Contact: James P. Lough, City Attorney

#### Discussion:

The attached ordinance amends Chapter 2.04 (City Manager) to both reorganize and clarify duties on the City Manager. The City of Lemon Grove uses the most common form of city government (Council-Manager). It has a City Manager to manage the day-to-day operations of the City under the direction and control of the City Council. Under the Council-Manager form of government, the City Council gives direction to the City Manager who, in turn, has the responsibility of managing the city workforce in a manner consistent with Council direction.

Over the years, the titles and responsibilities of various city officers has changed and the current chapter governing roles and responsibilities has not changed to reflect these shifts. One example is the assumption of the duties of Treasurer by the Finance Manager

Under Lemon Grove Municipal Code ("LGMC") Section 2.04.060(C) (Power of Appointment and Removal) and Section 2.04.070(B) (Internal Relations and Coordination of Intergovernmental Services), there are three officers that are not subject to the direction and control of the City Manager. The City Treasurer, City Clerk and City Attorney are under the supervisory control of the City Council. Except for the City Attorney who is governed by a contract with a law firm, the other two offices are city employees. The attached ordinance places control of these employee positions under the city manager's authority in a manner consistent with the council-manager form of governance applicable to all other employees. The City Council, as part-time body using the Council-Manager Form of Government, does not manage the day-to-day operations of the City. This amendment is consistent with the method of city management of all other city employees.

A second change under the Ordinance reflects the increase in intergovernmental involvement in the day-to-day operations of the City. Under LGMC Section 2.04.060(L) and 2.04.070(C), there is a recognition in the role of the city manager in managing contracts with other governments. Section 2.04.070(C) addresses the various types of cooperative agreements (*i.e.* Heartland Fire and Rescue) and the City Manager role in managing these agreements. This subsection recognizes how the City Manager manages the Sheriff's contract and the Lemon Grove portion of Heartland Fire and Rescue. This subsection states as follows:

C. Subject to the direction and control of the City Council, the city manager, or designee, shall manage all intergovernmental contracts, grant agreements and joint powers agreements on behalf of the City of Lemon Grove, or its subsidiary agencies, with other governmental agencies. The city manager, or designee, shall manage contracts with agencies including, but not limited to, the

# Attachment A

State of California, County of San Diego, Heartland Communications Authority, Heartland Fire and Rescue, San Diego County Sheriff's Department, San Diego Metropolitan Wastewater Authority, and the San Diego Association of Governments. For the purposes of providing public safety services to the citizens of Lemon Grove, the city manager shall supervise the appointed Fire Chief of Heartland Fire and Rescue as to all matters involving the City of Lemon Grove. The city manager shall work with the commanding officer of the Lemon Grove substation of the county of San Diego Sheriff's department in the implementation of the contract providing police services to the City of Lemon Grove. All references to "police" services in this Municipal Code shall mean the services provided by the San Diego Sheriff's department to the City of Lemon Grove. The City Manager, or designee, shall also provide support and assistance to Council-appointed members of Joint Powers Authorities and Intergovernmental Agencies in the performance of their duties.

The changes to 2.04.070(C) also reflect the governance roles of councilmembers who sit on various intergovernmental entities. These are referenced to make clear that the city manager role in managing local contracts or grants with other agencies are different than the respective governance roles held by city councilmembers appointed to regional bodies. The Ordinance adds this subsection to recognize the changing role played by the city manager and the evolving role of local government that includes significant participation in intergovernmental arrangements.

2.04.070(C) clarifies inconsistencies in the Lemon Grove Municipal Code it identifies law enforcement as "police" or "sheriff". This subsection clarifies that the references all apply to the contracted services from the San Diego County Sheriff's Department.

Overall, the changes clear up management inconsistencies to reinforce the Council-Manager Form of Government. Further, new reliance on regional governmental partnerships is consistent with the Council - Manager management model.

## **Conclusion:**

Staff recommends that the City Council adopt introduce the ordinance, by title, (**Attachment B**), authorize publication of a summary of the Ordinance and set the adoption for the next regularly scheduled City Council meeting.

# Attachment B

## ORDINANCE NO. XXX

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING SECTIONS 2.04.060 (POWER OF APPOINTMENT AND REMOVAL) AND 2.04.070 (INTERNAL RELATIONS AND COORDINATION OF INTERGOVERNMENTAL SERVICES) OF THE LEMON GROVE MUNICIPAL CODE**

WHEREAS, the City Council of the City of Lemon Grove has adopted the Council-Manager Form of Government; and

WHEREAS, the management of officers and employees under the Council-Manager Form of Government should be consistent across various employment positions to provide public accountability; and

WHEREAS, the role of intergovernmental institutions has increased dramatically since the formation of the City; and

WHEREAS, the City Council recognizes the expanded role that intergovernmental cooperation plays in the governance of the City of Lemon Grove and the San Diego region; and

WHEREAS, the City Council has determined to clearly delineate the roles and responsibilities of the City Manager in managing intergovernmental affairs on a day-to-day basis under the direction of the City Council; and

WHEREAS, the City Council has determined to clarify the roles of public safety personnel under the Council-Manager Form of Government.

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows;

1. Lemon Grove Municipal Code Section 2.04.060 is amended to read as shown in Attachment "B", which is attached hereto and incorporated herein by reference.

2. Lemon Grove Municipal Code Section 2.04.070 is amended to read as shown in Attachment "B", which is attached hereto and incorporated herein by reference.

///

///

///

///

///

///

///

# Attachment B

3. A Summary of this Ordinance shall be published in the manner provided by law.

INTRODUCED by the City Council on November 1, 2016. PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on November 15, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Mary Teresa Sessom, Mayor**

**Attest:** \_\_\_\_\_

**Susan Garcia, City Clerk**

**Approved as to form:**

\_\_\_\_\_  
**James P. Lough, City Attorney**

# Attachment B

## Proposed Amendments to Chapter 2 of the LGMC

### 2.04.060 Powers and duties.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. He or she shall be responsible for the efficient administration of all the affairs of the city, which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in the following subsections:

A. Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.

B. Authority Over Employees. It shall be the duty of the city manager, and he or she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his or her jurisdiction through their department heads.

C. Power of Appointment and Removal. It shall be the duty of the city manager to, and he or she shall appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations except for the city attorney or who shall serve at the pleasure of the city council.

D. Administrative Reorganization of Offices. It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

E. Ordinances. It shall be the duty of the city manager and he or she shall recommend to the city council for adoption such measures and ordinances as he or she deems necessary.

F. Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless at his or her request he or she is excused therefrom by the mayor individually or the city council.

G. Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city. The city manager shall retain the services of a finance director or person who has responsibility over city finances who shall also serve as the city's treasurer.

H. Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval.

I. Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or authorized representative. The city manager, or authorized representative,

## Attachment B

shall be responsible for the purchase of all supplies for all the departments or divisions of the city.

J. Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

K. Public Buildings. It shall be the duty of the city manager and he or she shall exercise general supervision over all public buildings, public parks, and all other public property, which are under the control and jurisdiction of the city council.

L. Contractors. It shall be the duty of the city manager, or designee, to exercise management and control over contractors providing city services.

M. Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution or other official action of the city council. (Ord. 10 § 7, 1977)

### **2.04.070 Internal relations and coordination of intergovernmental services.**

A. Council-Manager Relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly convened council meeting. No council member shall give any orders or instructions to the city manager.

B. Departmental Cooperation. It shall be the duty of all subordinate officers and the city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

C. Subject to the direction and control of the City Council, the city manager, or designee, shall manage all intergovernmental contracts, grant agreements and joint powers agreements on behalf of the City of Lemon Grove, or its subsidiary agencies, with other governmental agencies. The city manager, or designee, shall manage contracts with agencies including, but not limited to, the State of California, County of San Diego, Heartland Communications Authority, Heartland Fire and Rescue, San Diego County Sheriff's Department, San Diego Metropolitan Wastewater Authority, and the San Diego Association of Governments. For the purposes of providing public safety services to the citizens of Lemon Grove, the city manager shall supervise the appointed Fire Chief of Heartland Fire and Rescue as to all matters involving the City of Lemon Grove. The city manager shall work with the commanding officer of the Lemon Grove substation of the county of San Diego Sheriff's department in the implementation of the contract providing police services to the City of Lemon Grove. All references to "police" services in this Municipal Code shall mean the services provided by the San Diego Sheriff's department to the City of Lemon Grove. The City Manager, or designee, shall also provide support and assistance to Council-appointed members of Joint Powers Authorities and Intergovernmental Agencies in the performance of their duties.

## Attachment B

D. Attendance at Commission Meetings. The city manager may attend any and all meetings of any commission, board, task force, focus group or committee (collectively "advisory body") created by the city council, upon the manager's own volition or upon direction of the city council. At such meetings, which the city manager attends, he or she shall be heard by the advisory body as to all matters upon which the city manager wishes to address the members thereof, and shall inform said members as to the status of any matter being considered by the city council. The city manager shall cooperate fully with the members of all advisory bodies created by the city council. (Ord. 433 § 1, 2015; Ord. 10 § 8, 1977)

### 2.32.030 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Appropriate unit" means a unit established pursuant to Section 2.32.100.

"City" means the city of Lemon Grove, California, a municipal corporation, and where appropriate herein, "city" refers to the city council, the governing body of the city, or any duly authorized management employee as herein defined.

"Consult or consultation in good faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.

"Day" means calendar day.

"Employee" means any person regularly employed by the city excluding persons elected by popular vote.

"Employee, confidential" means an employee who is privy to decisions of city management affecting employer-employee relations.

"Employee, management" means any employee having significant responsibility for formulating and administering city policies and programs, including but not limited to the following positions:

1. City manager;
2. Development services director;
3. Public works director;
4. Finance director; and
5. City attorney.

"Employee, professional" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses engineers, architects, teachers and various types of physical, chemical and biological scientists.

"Employee organization" means any organization which includes employees of the city and which has as one of its primary purposes representing such employees in their employment relations with the city.

## Attachment B

“Employer-employee relations” means the relationship between the city and its employees and their employee organization, or when used in a general sense, the relationship between city management and employees or employee organizations.

“Firefighter” means a uniformed employee of the fire department.

“Impasse” means:

1. A deadlock in the annual or periodic discussions between a majority representative and the city over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter; or
2. Any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the municipal employee relations officer made pursuant to Sections 2.32.090, 2.32.100 or 2.32.110.

“Majority representative” means an employee organization, or its duly authorized representative, that has been granted formal recognition by the municipal employee relations officer as representing the majority of employees in an appropriate unit.

“Mediation or conciliation” means the efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.

“Meet and confer in good faith” (sometimes referred to in this chapter as “meet and confer” or “meeting and conferring”) means performance by duly authorized city representatives and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment, in an effort to:

1. Reach agreement on those matters within the authority of such representatives;
2. Reach agreement on what will be recommended to the city council on those matters within the decision-making authority of the city council.

This does not require either party to agree to a proposal or to make a concession.

“Municipal employee relations officer” means the city’s principal representative in all matters of employer-employee relations designated pursuant to Section 2.32.120, or his duly authorized representative.

“Peace officer.” As this term is defined in Section 830 of the California Penal Code.

“Recognized employee organization” means an employee organization which has been acknowledged in writing by the municipal employee relations officer as an employee organization that represents employees of the city. The rights accompanying recognition are either:

1. “Formal recognition,” which is the right to meet and confer in good faith as the majority representative in an appropriate unit; or

## Attachment B

2. "Informal recognition," which is the right to consultation in good faith by all recognized employee organizations.

"Scope of representation" means all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours and other terms and conditions of employment. City rights (Section 2.32.050) are excluded from the scope of representation. (Ord. 327 § 1, 2004)