

## ORDINANCE NO. 1798

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING SECTIONS 15.44.020, 15.44.040, AND 15.44.050 OF THE GARDENA MUNICIPAL CODE TO ELIMINATE OUT-OF-DATE CROSS-REFERENCES

**WHEREAS**, the City Council of the City of Gardena recently adopted changes to Title 15 of the Gardena Municipal Code relating to various building codes; and

**WHEREAS**, the City's Building Official has advised that there is a need to amend other provisions of Title 15 which refer to outdated cross-references and procedures; and

**WHEREAS**, the City Council desires to update the Gardena Municipal Code to correct these outdated provisions;

**NOW, THEREFORE**, the City Council of the City of Gardena, California, does hereby ordain, as follows:

**SECTION 1.** The definition of "Current Code" contained in Section 15.44.020 of the Gardena Municipal Code is hereby amended to read, as follows:

"Current Code" means the edition of the Uniform California Existing Building Code, published by the International Conference of Building Officials-Code Council, as adopted by the city in accordance with operation of law pursuant to the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of an emergency.

**SECTION 2.** Section 15.44.040 of the Gardena Municipal Code is hereby amended to read, as follows:

#### **15.44.040 Post-disaster demolition.**

Post Disaster Demolition shall be handled through the procedures set forth in the California Existing Building Code, Section 117, entitled Demolition.

##### A. Demolition Criteria:

~~1. Within ten days after the event, any building or structure determined by the building official to represent an imminent hazard to public health and safety, or to pose an imminent threat to the public right of way, shall be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without condemnation hearings otherwise required by this code.~~

~~2. If, after the specified time frame noted in subsection A.1 of this section, any building or structure is determined by the building official to represent a hazard to the health and safety of the public, or to pose a threat to the public right of way, the building official shall duly notify the building owner and proceed with a condemnation hearing within fifteen business days of the~~

notice in accordance with Municipal Code Sections ~~15.20.010~~ (Uniform Housing Code) and/or ~~15.24.010~~ (Uniform Code for the Abatement of Dangerous Buildings).

3. ~~For any building or structure wherein the owner has decided to demolish rather than repair, the owner, or owner's representative, shall follow the established procedures to secure a demolition permit.~~

~~B. Demolition of Historic Buildings or Structures.~~

1. ~~Within fifteen days after the event, any historic building or structure determined by the building official to represent an imminent hazard to the health and safety of the public, or to pose an imminent threat to the public right of way, the building official shall notify the State Historic Preservation Officer that one of the following actions will be taken:~~

a. ~~Whenever possible, within reasonable limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right of way.~~

b. ~~Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by this code. Prior to commencing demolition, the building official shall photographically record the entire building or structure.~~

2. ~~If, after the specified time frame noted in subsection B.1 of this section and less than thirty days after the event, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right of way, the building official shall duly notify the building owner of his/her intent to proceed with a demolition hearing within fifteen business days of the notice, in accordance with the provisions of this title. The building official shall also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.~~

3. ~~For any historic building or structure wherein the building official and the owner have agreed to demolish the building or structure within thirty days after the event, the building official shall submit to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, a request to demolish. Said request shall include all substantiating data.~~

4. ~~If after thirty days from the event, the building official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended. (Ord. 1474 § 3 (part), 1994)~~

**SECTION 3.** Section 15.44.050 of the Gardena Municipal Code is hereby amended to read, as follows:

**15.44.050 Disaster repair and reconstruction.**

Disaster repair and reconstruction shall be handled through the procedures set forth in the California Existing Building Code, Section 105, entitled Permits.

~~A. Application of Provisions. When approved by the building official, the requirements of this section may be waived in favor of repair recommendations included in an engineering evaluation as defined in Section 15.44.020.~~

~~B. Repair Criteria — Generally. Buildings and structures of all occupancies which have been damaged as a result of an event, except as otherwise noted, shall be repaired in accordance with the following criteria:~~

~~1. When the estimated value of repair does not exceed ten percent of the replacement value of the structure, the damaged portion(s) shall be restored to their pre-disaster condition:~~

~~EXCEPTION: When the damaged elements include suspended ceiling systems, the ceiling system shall be repaired and all bracing required by current code shall be installed.~~

~~2. When the estimated value of repair is greater than ten percent but less than fifty percent of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.~~

~~3. When the estimated value of repair is fifty percent or more of the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.~~

~~4. In Group R, Division 3 occupancies, the repair value of damaged chimneys shall be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with subsection C of this section.~~

~~C. Repair Criteria for Chimneys:~~

~~1. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 37 of the current code. Damaged portions of chimneys shall be removed in accordance with the following criteria:~~

~~a. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion shall be removed to the roof line provided the roof and ceiling anchorage are in sound condition. Reconstruction portion of the chimney shall be braced to the roof structure.~~

~~b. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the fireplace.~~



c. ~~For a multistory structure, the damaged portion of the chimney shall be removed from the top to a floor line where sound anchorage is found.~~

d. ~~In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.~~

2. ~~Where existing conditions preclude the installation of all anchorage required by Chapter 37 of the current code, alternate systems may be used in accordance with the alternate methods and materials provisions of the current code when approved by the building official. Such alternate systems shall be designed and detailed by a structural engineer, civil engineer or architect.~~

3. ~~When the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure.~~

~~D. Repair Criteria for Essential Service Facilities:~~

1. ~~Buildings or structures housing essential service facilities which have been damaged as a result of a disaster shall have an engineering evaluation performed.~~

2. ~~Minimum criteria for repair shall be as follows:~~

a. ~~When the estimated value of repair is less than thirty percent (30%) of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements, and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.~~

b. ~~When the estimated value of repair is thirty percent or more than the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.~~

~~E. Repair Criteria for Historic Buildings or Structures:~~

1. ~~Buildings or structures which are included on a national, state, or local register of historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.~~

2. ~~The minimum criteria for repair shall be as included in Section 15.44.050, Disaster Repair and Reconstruction with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.~~

3. ~~Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.~~

F. ~~Repair Criteria for Unreinforced Masonry Buildings and Structures. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired~~

~~and strengthened to fully comply with the requirements of the Uniform Code for Building Conservation, Appendix Chapter 1. (Ord. 1474 § 3 (part), 1994)~~

**SECTION 4. CEQA Compliance.** This Ordinance is exempt from CEQA under the CEQA Guidelines section 15061(c)(3) provides that a project is exempt from CEQA when it is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment and does not apply where it can be seen with certainty that there is no possibility of a significant effect. The changes in this Ordinance merely provide corrections to reference current codes. These changes do not have the ability to have any significant impacts. Staff is directed to file a notice of exemption.

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 6. Certification.** The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

**SECTION 7. Effective Date.** This ordinance shall become effective on the thirty-first (31<sup>st</sup>) date after passage.

Passed, approved, and adopted this 14<sup>th</sup> day of August, 2018.

  
TASHA CERDA, Mayor

ATTEST:

  
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

  
PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss:  
CITY OF GARDENA                        )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1798** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **14<sup>th</sup>** day of **August, 2018**, and that the same was so passed and adopted by the following roll call vote:

AYES:     MAYOR PRO TEM TANAKA, COUNCIL MEMBERS MEDINA, HENDERSON  
          AND KASKANIAN, AND MAYOR CERDA

NOES:     NONE

ABSTAIN: NONE

*Becky Romero*  
*for* \_\_\_\_\_  
City Clerk of the City of Gardena, California

(SEAL)