

RESOLUTION NO. 6624

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2022 CALIFORNIA STATE BUILDING CODE RELATIVE TO LOCAL CLIMATIC, TOPOGRAPHIC AND GEOLOGIC CONDITIONS

WHEREAS, California Health & Safety Code section 18901 et seq. provides that the Building Standards Commission shall adopt a California Building Standards Code ("CBSC") based on specified uniform codes with input from various State Departments; and

WHEREAS, the CBSC consists of building standards that regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical systems, plumbing, mechanical systems, and maintenance of all buildings in the state and includes the California Building Code (CCR, Title 24, Part 1 & 2); the California Residential Code (CCR, Title 24, Part 2.5); the California Electrical Code (CCR, Title 24, Part 3); the California Mechanical Code (CCR, Title 24, Part 4); the California Plumbing Code (CCR, Title 24, Part 5); the California Energy Code (CCR, Title 24, Part 6); the California Historical Building Code (CCR, Title 24, Part 8); the California Existing Building Code (CCR, Title 24, Part 10); and the California Green Building Standards Code (CCR, Title 24, Part 11); and the California Reference Standards Code (CCR, Title 24, Part 12); and

WHEREAS, the 2022 CBSC has been adopted and is codified in Title 24 of the California Code of Regulations and became effective January 1, 2023; and

WHEREAS, California Health & Safety Code Section 17922 provides that the Department of Housing and Community Development is to adopt the CBSC and other regulations; and

WHEREAS, the Department of Housing and Community Development has adopted the most recent version of the CBSC; and

WHEREAS, California Health & Safety Code Sections 17958.5 provides that a city may make changes in the provisions adopted pursuant to Health and Safety Code Section 17922 and published in the CBSC or other regulations upon specified findings; and

WHEREAS, California Health & Safety Code Section 17958 further provides that, if a city does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes, the provisions published in the CBSC or other regulations shall be applicable to the city and shall be effective 180 days after publication of the CBSC by the California Building Standards Commission; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the CBSC, shall make an express

finding that such changes or modifications are reasonably necessary because of local climatic, geologic, or topographic conditions;

NOW, THEREFORE, THE CITY OF GARDENA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A copy of Ordinance No. 1851 is attached hereto as Exhibit A. The charts below set forth the rational and findings for the amendments proposed therein.

Chapter 15.04 Amendments to California Building Code (CBC)

| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
|-------------------------------|-------------------------------------|---|--------------------------------------|
| 15.04.010 | | Adds Definitions to Chapter | A |
| 15.06.020 | 105.2 | Adds local procedures for the Work that is Exempt from Permits | A |
| 15.06.030 | 105.5 | Provides for the expiration of permits consistent with state law (AB 2913) | A |
| 15.06.040 | 109 | Creates fees for permits and plan review | A |
| 15.06.050 | 114 | Adds local procedures for prosecuting code violations | A |
| 15.06.060 | 903.2 | Amends 903.2 to require automatic sprinkler systems in locations described in Sections 903.2.1 through 903.2.21 | A B(i) |
| 15.06.070 | Table 1505.1 | Amends Table 1505.1 Requires minimum Class B fire rated roof coverings on all structures regulated by the Code. | A B(iii) |
| 15.06.080 | 3306 | Adds 3306.10 detailing requirements for fencing during construction to increase protections for pedestrians. | A |
| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
| 15.06.090 | J112.1 | Adds Section J112.1 for Sediment control | B (iii) |
| 15.06.090 | J113.1 | Adds Section J113.1 Grading practices and setbacks | B (ii) |
| 15.06.090 | J114.1 | Adds Section J114.1 Control of runoff. | B (ii) |

| | | | |
|-----------|----------|---|---------|
| 15.06.090 | J115.1 | Adds Section J115.1 Revegetation and slope surface stabilization. | B (iii) |
| 15.06.090 | J116.1 | Add Section J116.1 Disposal of cleared material and fill. | B (iii) |
| 15.06.090 | J117.1 | Add Section J117.1 Excavated materials. | B (iii) |
| 15.06.090 | J118.1 | Add Section J118.1 Completion of grading work - verification | A |
| 15.06.120 | P103.2.1 | Amends Section P103.2.1 for New Additions, alterations and change of occupancy for Emergency Housing. | B (ii) |
| 15.06.120 | P103.3 | Amends Section P103.2.1 for Occupant Load for Emergency Housing. | B (ii) |
| 15.06.120 | P111 | Adds Section P111 Alternatives and Modifications | A |

Chapter 15.06 Amendments to California Residential Code (CRC)

| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
|-------------------------------|-------------------------------------|---|--------------------------------------|
| 15.10.020 | R105.2 | Adds local procedures for the Work that is Exempt from Permits | A |
| 15.10.030 | R105.5 | Provides for the expiration of permits consistent with state law (AB 2913) | A |
| 15.10.040 | R108 | Creates fees and process for fee refunds | A |
| 15.10.050 | R113 | Adds local procedures for prosecuting code violations | A |
| 15.10.060 | R902.1 | Amends Table 1505.1 Requires minimum Class B fire rated roof coverings on all structures regulated by the Code. | B (i) |

Chapter 15.12 Amendments to California Electrical Code (CEC)

| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
|-------------------------------|-------------------------------------|---|--------------------------------------|
| 15.12.020 | 89.108.4.2 | Establishes permit fees | A |
| 15.12.030 | 230.30 | Adds subparagraphs (C), (D), (E) requiring undergrounding of service laterals for new | B(ii) |

| | | | |
|-----------|----------|--|-------|
| | | construction and of utilities for new and existing buildings | |
| 15.12.030 | 230.30 | Adds subparagraph (F) to impose joint and several liability on developer and property owner for compliance. | A |
| 15.12.030 | 230.30 | Adds subparagraph (G) to impose moratorium on overhead utility lines in specified areas | B(ii) |
| 15.12.040 | 590.3(A) | Adds subparagraph (A)(1) to provide that generators are prohibited as a substitute for temporary power poles at construction sites | B(ii) |

Chapter 15.14 Amendments to California Mechanical Code (CMC)

| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
|-------------------------------|-------------------------------------|---|--------------------------------------|
| 15.14.020 | 104.5 | Creates fees for permits and plan review | A |

Chapter 15.16 Amendments to California Plumbing Code (CPC)

| Municipal Code Section | CBC Section Added or Amended | Substance of Amendment (full text in Ordinance No. 1851) | Justification (see key below) |
|-------------------------------|-------------------------------------|---|--------------------------------------|
| 15.16.020 | 104.5 | Creates fees for permits and plan review | A |

Justifications KEY:

A – This is an administrative amendment, which does not modify building standards as defined in California Health & Safety Code section 18909. The amendment establishes administrative procedures for the effective enforcement of the building standards in the City of Gardena.

B – This amendment is reasonably necessary because of the following local climatic, geological, or topographical conditions:

- i. Strong Winds/Climate. The dry climatic conditions with strong winds contribute to the rapid spread of even small fires originating in high- density housing. These fires spread very quickly and

create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

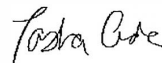
- ii. Heavy Precipitation. The climate alternates between extended periods of drought and brief flooding conditions. The winter months can experience heavy rainfall of up to 6 inches per hour. Flood conditions may affect the Los Angeles County Fire Departments ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.
- iii. Revisions to the foundation requirements due to highly expansive soil conditions that are present in some areas of Gardena. These requirements have been used locally since 1970.

SECTION 2. The Community Development Department shall file copies of Resolution No.6624 and Ordinance No. 1851 with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

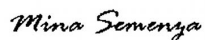
SECTION 4. This resolution shall be effective immediately.

Passed, approved, and adopted this 23 day of May, 2023.



TASHA CERDA, Mayor

ATTEST:



MINA SEMENZA
City Clerk

APPROVED AS TO FORM:

Resolution No. 6624

Carmen Vasquez

CARMEN VASQUEZ, City Attorney

Attachment:
Exhibit A – Ordinance No. 1851

ORDINANCE NO. 1851

AN ORDINANCE OF THE CITY OF GARDENA, CALIFORNIA, ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), EXCEPT FOR THE FIRE CODE, AND MAKING AMENDMENTS THERETO; ADOPTION OF THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING CHAPTER 15.08 OF THE GARDENA MUNICIPAL CODE; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, California Health & Safety Code Section 18901 et seq. provides that the Building Standards Commission shall adopt a California Building Standards Code ("CBSC") based on specified uniform codes with input from various State Departments; and

WHEREAS, the CBSC consists of building standards that regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical systems, plumbing, mechanical systems, and maintenance of all buildings in the state and includes the California Building Code (CCR, Title 24, Part 1 & 2); the California Residential Code (CCR, Title 24, Part 2.5); the California Electrical Code (CCR, Title 24, Part 3); the California Mechanical Code (CCR, Title 24, Part 4); the California Plumbing Code (CCR, Title 24, Part 5); the California Energy Code (CCR, Title 24, Part 6); the California Historical Building Code (CCR, Title 24, Part 8); the California Existing Building Code (CCR, Title 24, Part 10); and the California Green Building Standards Code (CCR, Title 24, Part 11); and the California Reference Standards Code (CCR, Title 24, Part 12) and

WHEREAS, the 2022 CBSC has been adopted and is codified in Title 24 of the California Code of Regulations and became effective January 1, 2023; and

WHEREAS, California Health & Safety Code Section 17922 provides that the Department of Housing and Community Development is to adopt the CBSC and other regulations; and

WHEREAS, the Department of Housing and Community Development has adopted the most recent version of the CBSC; and

WHEREAS, California Health & Safety Code Sections 17958.5 provides that a city may make changes in the provisions adopted pursuant to Health and Safety Code Section 17922 and published in the CBSC or other regulations upon specified findings; and

WHEREAS, California Health & Safety Code Section 17958 further provides that,

if a city does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes, the provisions published in the CBSC or other regulations shall be applicable to the city and shall be effective 180 days after publication of the CBSC by the California Building Standards Commission; and

WHEREAS, Pursuant to California Government Code Section 50022.2, the City of Gardena ("City") may adopt the 2022 Edition of the CBSC by reference as well as other codes; and

WHEREAS, the City Council of the City of Gardena has determined that it would like to adopt the CBSC by reference as well as other codes, as well as make certain amendments thereto; and

WHEREAS, this Ordinance was introduced on April 25, 2023 and noticed for a hearing on May 23, 2023; and

WHEREAS, on May 23, 2023, the City Council held a public hearing on this Ordinance; and

WHEREAS, prior to adopting this Ordinance, the City Council adopted Resolution No. 6624, making the necessary findings to amend the California Building Standards Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.04 is hereby amended in its entirety to read as follows:

**Chapter 15.04
DEFINITIONS**

15.04.010 Definitions applicable to Title 15.

The following definitions shall apply to this Title:

- A. "Building Official" as used in any part of this Title shall mean the Building Official or the Official's designee.
- B. "California Building Standards Code" shall mean Parts 1 through 12 of Title 24 of the California Code of Regulations.
- C. "Code" as used in each Chapter shall refer to the Code adopted by that Chapter.
- D. "Jurisdiction" as used in any part of the California Building Standards Code, it shall mean the City of Gardena.

SECTION 2. Chapter 15.06 of the Gardena Municipal Code entitled "Expedited Permit Process for Small Residential Rooftop Solar Systems" is hereby recodified as Chapter 15.28 without any additional changes and a new Chapter 15.06 is hereby added to Title 15 of the Gardena Municipal Code is to read as follows:

**Chapter 15.06
BUILDING CODE**

15.06.010 Adoption of Building Code.

Except as may otherwise be provided in this Title, the California Building Code, 2022 Edition (Parts 1 and 2 of Title 24 of the California Code of Regulations), and only Appendices F (Rodentproofing), J (Grading), and P (Emergency Housing). are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Parts 1 and 2 shall comprise the Building Code of the City of Gardena.

15.06.020 Work exempt from permits.

Section 105.2, item 2 is hereby amended to read as follows:

2. Wood, chain-link, plastic, metal or similar fences not over 6 feet in height or masonry, concrete fence not over 3 feet in height above the lowest adjacent grade unless supporting a surcharge or impounding class I, II or III-A liquids.

15.06.030 Expiration of permits.

Section 105.5 of the 2022 California Building Code is hereby amended to read as follows and section 105.5.1 is of no force or effect:

105.5 EXPIRATION OF PERMITS

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

15.06.040 Fees.

Section 109 of the 2022 California Building Code is hereby amended to read as follows in its entirety:

109 FEES.

A. General. Fees shall be assessed in accordance with the provisions of this Section.

B. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code 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. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

C. Plan review fees. When a plan or other data is required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be one hundred (100) percent of the building permit fee.

1. The plan review fees specified in this subsection are separate fees from the permit fees specified in Subsection 1.8.4.2 and are in addition to the permit fees.

2. Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

D. Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days 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. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Fee refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than eighty (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 plan reviewing is done.
4. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

15.06.050 Violations.

Section 114 of the 2022 California Building Code shall be amended to read as follows in its entirety:

114 VIOLATIONS.

- A. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.
- B. Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- C. Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.
- D. Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.
- E. Violation a misdemeanor. Any person violating any of the provisions of this

Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.16.010 of this Code.

15.06.060 Automatic sprinkler systems.

Section 903.2 of the 2022 California Building Code is hereby amended by amending section 903.2 and adding section 903.2.13 to read as follows; all other provisions of section 903.2 remain in place:

903.2 WHERE REQUIRED.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.21.

903.2.13 EXPANSION OF EXISTING BUILDINGS.

An automatic sprinkler system is required in any existing building subject to alteration or expansion if (1) the expansion exceeds 50 percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds 50 percent of the value of the existing structure as determined by the Building Official. The size or valuation of an existing building shall be deemed to exceed fifty (50) percent if:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
2. The cost of remodeling, expansion, or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

15.06.070 Roof covering requirements.

Table 1505.1 of the 2022 California Building Code is hereby amended to read as follows:

Table 1505.1

| IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
|-----------|-----------|------------|------------|-------------|-------------|-----------|-----------|-----------|
| B | B | B | B | B | B | B | B | B |

15.06.080 Pedestrian protection during construction.

Section 3306 of the 2022 California Building Code is hereby amended by adding a new Section 3306.10 to read as follows:

3306.10 Fencing and Pedestrian Protection.

Fencing and pedestrian protection shall be required at all building and demolition sites as follows:

Ordinance No. 1851

1. Prior to issuance of a demolition or building permit, a pre-demolition site inspection shall be performed verifying sewer cap and temporary toilet location and the capping of electrical, water and gas service to the property.
2. Prior to commencement of work, all new construction or demolition sites shall install minimum 6-foot-high protective chain link fencing with slats or screening incorporated, or wood fencing consistent with Section 3306 of the California Building Code, and Table 3306.1 regardless of distance to the property line. Protective wood canopies shall be installed prior to commencement of work pursuant to the requirements of Section 3306 and Table 3306.1 of the CBC.
3. If scaffolding is used on any construction site, the exterior face of the scaffolding shall be covered with mesh screen, tarps or other material sufficient to mitigate dust and debris migration from the site.
4. A Pedestrian Protection Plan shall be approved identifying all areas of required pedestrian protection for the property, prior to the issuance of demolition or building permits. The Plan shall indicate all areas of pedestrian protection or indicate why such protection is not required (e.g., exempt due to distance of construction to property line). The Pedestrian Protection Plan shall be prepared by a licensed contractor, engineer or owner-builder and indicate the proposed protection system to be installed and the method of installation. When conditions make installation of a pedestrian canopy impractical (e.g., a narrow street or alley) an alternative method may be shown on the plan such as pedestrian diversion through use of flag persons and barriers.
5. Any work encroaching into the public right-of-way or involving pedestrian diversion shall require Public Works Department approval of permits and pedestrian protection.
6. In addition to the remedies provided in the Building Code, violations of this Section shall result in revocation or suspension of a building permit pursuant to the procedures set forth in the Code.

15.06.090 Appendix J, Grading

Appendix J is hereby amended to add the following sections to read as follows:

Section J112.1 Sediment control.

- A. Sediment caused by the grading project shall be retained on the site to the greatest extent feasible. The maximum permanent rate of sediment loss after completion of the project should not exceed the natural erosion rate which

occurred prior to the grading project. If, in the opinion of the building official, excessive erosion occurs from the project, erosion and sediment control measures shall be immediately implemented to reduce erosion to allowable levels.

B. If required by the building official, sediment basins, sediment traps, or similar sediment control measures, temporary or permanent, shall be installed prior to clearing and grading operations. Upon completion of construction and stabilization of soils, all temporary erosion control facilities shall be removed from the site upon written approval of the building official.

Section J113.1 Grading practices and setbacks.

A. Grading operations shall be conducted so as to mitigate damaging effects of sediment production and dust on the project site and other properties.

B. The setbacks specified by CBC Appendix J, are minimum requirements and may be increased by the building official or by the recommendation of a civil engineer, soils engineer, or engineering geologist, if necessary, for safety and stability, or to prevent damage to other properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls and/or deep foundations may be used to reduce the required setbacks when approved by the building official.

Section J114.1 Control of runoff.

In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

A. Energy absorbing devices to reduce the velocity of runoff water;

B. Sedimentation controls, such as sediment debris basins and sediment traps. Trapped sediment shall be removed to a site approved by the building official;

C. Disposal of water runoff from developed areas over large undisturbed areas;

D. Multiple discharge points to reduce the volume of runoff over localized areas.

Section J115.1 Revegetation and slope surface stabilization.

- A. Mulching, seeding, the planting of shrubs and trees, or other suitable stabilization measures shall be used to protect exposed slopes as necessary to control erosion, sedimentation and slope stability. Preference shall be given to use native or locally adapted grasses, shrubs and woody vegetation.
- B. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
- C. Revegetation shall be maintained by the owner until permanent establishment is achieved.

Section J116.1 Protection of watercourses.

- A. Fills shall not block or change natural watercourses or constructed channels unless approved by the building official.
- B. Fills placed in a 100-year floodplain of watercourses or waterbodies shall have suitable protection against erosion during flooding.
- C. Excavated materials shall not be deposited or stored in or alongside the streams, lakes or watercourses where the materials may be washed away by high water or storm runoff.

Section J117.1 Disposal of cleared material and fill.

Vegetation, dirt and rocks removed during clearing operations shall be disposed of by one or more of the following methods:

- A. Chipping all or some of the cleared vegetation for use as mulch or compost on the site or other approved location;
- B. Disposing of the balance of the material in a location approved by the building official.

Section J118.1 Excavated materials.

Excavated materials removed during grading operations shall be handled in accordance with the following methods:

- A. Stockpiling sufficient topsoil on the site if necessary, for use on areas to be

revegetated.

B. Locating stockpiled soil so that it will not become a source for off-site sediment damage.

C. Promptly backfilling and compacting stockpiled soil into trenches and pits to reduce the risk of erosion.

D. Applying mulch or other protective coverings on stockpiled material which will be exposed through the winter season.

E. Excavated material not to be used at the site shall be disposed of in a manner and at a location approved by the building official.

Section J119.1 Completion of work.

When required by the building official, the engineer of record shall verify that final grading complies with approved plans prior to final inspection by the city.

15.06.120 Appendix P, Emergency Housing

A. Appendix P, Section P103.2.1 is hereby amended to read as follows:

P103.2.1 New additions, alterations, and change of occupancy.

New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code effective at the time of addition, alteration, or change of occupancy. The requirements shall apply only to and/or within the specific area of the addition, alteration, or change of occupancy.

Exceptions:

1. Existing buildings and structures used for emergency housing and emergency housing facilities may not be required to comply with the California Energy Code, as determined by the enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the California Building Standards Code, provided such change in occupancy meets the minimum requirements set forth in this appendix.

B. Appendix P, Section P103.3 is hereby amended to read as follows:

P103.3 Occupant load.

Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 64 square feet (6.5 m²) for two occupants. Where more than two persons occupy the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. The interior floor area shall not exceed 400 square feet (37 m²), excluding lofts.

Exceptions:

1. Tents.
2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.

C. Appendix P, Section P111 is hereby added to read as follows:

111 Alternatives and modifications.

Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the Building Official in individual cases when dealing with buildings or structures used for emergency housing.

SECTION 3. Chapter 15.10 is hereby added to Title 15 of the Gardena Municipal Code to read as follows:

**Chapter 15.10
RESIDENTIAL CODE**

15.10.010 Adoption of California Residential Code

Except as may otherwise be provided in this Title, the California Residential Code, 2022 Edition (Part 2.5 of Title 24 of the California Code of Regulations), and only Appendices AH (Patio Covers), AX (Swimming Pool Safety Act) and AZ (Emergency Housing), are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 2.5 shall comprise the Residential Code of the City of Gardena.

15.10.020 Work exempt from permits.

Section R105.2 of the 2022 California Residential Code, item 2 is hereby amended to read as follows:

2. Wood, chain-link, plastic, metal or similar fences not over 6 feet in height or masonry, concrete fence not over 3 feet in height above the lowest adjacent grade unless supporting a surcharge or impounding class I, II or III-A liquids.

15.10.030 Expiration of permits.

Section R105.5 of the 2022 California Residential Code is hereby amended to read as follows:

R105.5 Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

15.10.040 Fees.

Section R108 of the 2022 California Residential Code is hereby amended to read as follows in its entirety:

R108 Fees.

A. Fees shall be assessed in accordance with the provisions of this Section.

B. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code 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. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

C. Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be one hundred (100) percent of the building permit fee.

1. The plan review fees specified in this Subsection are separate fees from the permit fees specified in subsection B and are in addition to the permit fees.

2. Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

D. Expiration of plan review. Applications for which no permit is issued within one hundred eighty (180) days 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. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. The Building Official may authorize the refunding of not more than eighty (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 plan reviewing is done.

4. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

15.10.050 Violations.

Section R113 of the 2022 California Residential Code is hereby amended to read as follows:

R113 VIOLATIONS.

R113.1 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

R113.2 Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation.

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

R113.4 Violation penalties.

Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

R113.5 Violation a misdemeanor.

Any person violating any of the provisions of this Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.16.010 of this Code.

15.10.060 Roof covering requirements.

The first paragraph of Section R902.1 of the California Residential Code is hereby amended to read as follows; all other provisions remain the same:

902.1 ROOF COVERING MATERIALS.

Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Minimum Roof Covering Classification for different types of construction for new buildings, re roofs or additions except for the construction of roofs in Very High Fire Hazard Zones.

| | | | | | | | | |
|-----------|-----------|------------|------------|-------------|-------------|-----------|-----------|-----------|
| IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
| B | B | B | B | B | B | B | B | B |

SECTION 4. ELECTRICAL CODE. Chapter 15.12 of Title 15 of the Gardena Municipal Code is hereby added to read as follows:

**Chapter 15.12
ELECTRICAL CODE**

15.12.010 Adoption of electrical code.

Except as may otherwise be provided in this Title, the California Electrical Code, 2022 Edition (Part 3 of Title 24 of the California Code of Regulations), without any appendices, is hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 3 shall comprise the Electrical Code of the City of Gardena.

15.12.020 Fees.

Section 89.108.4.2 of the 2022 California Electrical Code is hereby amended to read as follows:

89.108.4.2 Fees.

The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be one hundred (100) percent of the building permit fee.

For purposes of determining fees only, the following definitions shall apply:

A. New general use branch circuits.

1. The fees prescribed apply to new branch circuit wiring and the lighting fixtures, switches, receptacles, appliances or other utilization equipment permitted to be supplied by these branch circuits.
2. For the purposes of this Subsection, each ungrounded conductor of a multi-wire branch circuit supplying one appliance may be counted as one circuit.
3. For the purposes of this Subsection, three-phase lighting branch circuits are counted as two (2) branch circuits.

B. Adding outlets (to existing branch circuits) or temporary lights and yard lighting.

1. Each outlet added to an existing branch circuit shall be counted as one unit and each lighting fixture connected thereto shall be counted as an additional unit except as modified in the following provisions of this Subsection.
2. An outlet shall mean a point or place on a fixed-wiring installation from which electric current is controlled, or is supplied to a lamp, lighting fixture, fan, clock, heater, range, motor, or other electrical appliance or equipment.
3. An outlet box for two (2) or more switches or receptacles shall be considered as one unit.

C. Motors, transformers, heating appliances and miscellaneous equipment or appliances.

1. The fees prescribed cover the inspection of the supply branch circuit and the utilization equipment supplied therefrom and the control equipment therefor.
2. Except where supplied by branch circuits rated over fifty (50) amperes, the fees required apply only to non-dwelling occupancies. The fee for each motor, transformer, heating appliance, welder, rectifier, x-ray machine, storage battery system, infrared industrial heating appliance, cooking or baking equipment, studio effects lighting, and other miscellaneous equipment or appliances shall be given in the rating table of the resolution order.
3. Where fixed equipment is supplied by flexible cords to facilitate

servicing or replacement, those fees shall also apply to each receptacle outlet installed for the supply of portable equipment rated larger than three (3) H.P., K.W., or K.V.A.

4. For any equipment or appliance containing more than one motor, or other current consuming utilization components in addition to the motor or motors, the combined electrical ratings converted to K.V.A. of all shall be used to determine the fee. For the purpose of this subsection, one H.P. or one K.W. is equivalent to one K.V.A. The total ampere ratings of all receptacles installed on a factory fabricated wireway assembly for studio effects lighting may be used in computing the fees therefor.

5. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained for such motor and the fees required therefor have been paid.

D. Required fire warning, communications and emergency control systems.

For the purposes of this Subsection, devices shall include all signaling equipment, stations, power equipment such as damper actuators or door holding device, and communication jacks or outlets.

E. Service and switchboard sections.

1. Fees shall be required for the installation, reinstallation, replacement or alteration of each service and each switchboard section.

2. For the purpose of this Subsection, a switchboard section means any portion of complete switchboard, distribution board, or motor control center which is prevented by the structural framework from being separated into smaller units.

3. The fees for services shall be determined from the ampacity of the set of service entrance conductors or the total ampere rating of the service equipment.

4. No fee need be paid for switchboard section which incorporates service equipment for which service fees were paid.

15.12.030 Underground service conductors – Installation.

Section 230.30 of the 2022 California Electrical Code is hereby amended by adding additional paragraphs to read as follows:

(C) Underground service laterals required for new construction.

All new buildings and structures in the City shall provide underground electrical and communications service laterals on the premises to be served as hereinafter required. This provision shall not apply to utility lines that do not provide service in the area being developed.

(D) Underground utilities for new buildings.

All electrical, telephone, community antenna television system (CATV), and similar service wires or cables which provide direct service to new buildings and structures shall be installed underground in compliance with all applicable building and electrical codes, safety regulations and orders, and the rules of the Public Utilities Commission of the State of California.

(E) Underground utilities for existing buildings.

Existing overhead wires and/or new utility service shall be placed underground when one or more new dwelling units are created in an existing building and one or both of the following apply:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
2. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

Exception: Undergrounding shall not be required if Southern California Edison deems in writing that such underground installation is infeasible based upon its service requirements or to the unavailability of necessary easements.

(F) Responsibility for compliance.

The developer and owner are jointly and severally responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies for the installation of such facilities.

(G) Existing underground areas.

On streets where electrical and communications lines have been placed underground or where no overhead lines presently exist on or before July 1, 1977, said lines shall remain permanently underground and no additional electric or communications service facilities shall be added on said streets unless they are placed underground.

15.12.040 Temporary installations.

Section 590.3(A) of the 2022 California Electrical Code is hereby amended by adding the following subparagraph to read as follows:

(1) Temporary power pole required on construction sites.

All construction sites for which temporary power must be supplied because there is no electrical service shall provide a temporary power pole prior to issuance of a building permit. Said power pole shall remain installed until the project has received final approval and electrical service has commenced. Generators are prohibited as a substitute for a temporary power pole.

SECTION 5. MECHANICAL CODE. Chapter 15.14 is hereby added to Title 15 of the Gardena Municipal Code to read as follows:

Chapter 15.14 MECHANICAL CODE

15.14.010 Adoption of Mechanical Code.

Except as may otherwise be provided in this Title, the California Mechanical Code, 2022 Edition (Part 4 of Title 24 of the California Code of Regulations), is hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 4 shall comprise the Mechanical Code of the City of Gardena.

15.14.020 Mechanical permit fees.

Section 104.5 of the 2022 California Mechanical Code is hereby amended to read as follows and sections 104.5.1 through 104.5.3 are of no force or effect:

SECTION 104.5 FEES.

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be one hundred (100) percent of the building permit fee.

C. Fee refunds.

1. The Building Official may authorize the refunding of any fee paid

hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. The Building Official may authorize the refunding of not more than eighty (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 plan reviewing is done.

4. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

SECTION 6. PLUMBING CODE. Chapter 15.16 is hereby added to Title 15 of the Gardena Municipal Code to read as follows:

**Chapter 15.16
PLUMBING CODE**

15.16.010 Adoption of plumbing code.

Except as may otherwise be provided in this Title, the California Plumbing Code, 2022 Edition (Part 5 of Title 24 of the California Code of Regulations), including only Appendices A (Recommended Rules for Sizing the Water Supply System), D (Sizing Storm Water Drainage Systems), H (Private Sewage Disposal Systems), and I (Installation Standards), are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 5 shall comprise the Plumbing Code of the City of Gardena.

15.16.020 Plumbing permit fees.

Section 104.5 of the 2022 California Plumbing Code is hereby amended to read as follows and sections 104.5.1 through 104.5.3 are of no force or effect:

SECTION 104.5 FEES.

A. Permit fees. The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

B. Plan review fees. When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be one hundred (100) percent of the building permit fee.

C. Fee refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than eighty (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 plan reviewing is done.
4. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

SECTION 7. ENERGY CODE ADOPTION. Chapter 15.18 is hereby added to Title 15 of the Gardena Municipal Code to read as follows:

**Chapter 15.18
ENERGY CODE**

15.18.010 Adoption of energy code.

Except as may otherwise be provided in this Title, the California Energy Code, 2022 Edition (Part 6 of Title 24 of the California Code of Regulations), including Appendix 1-A (Standards and Documents Referenced in the Energy Code) and Appendix 1-B (Energy Commission Documents Incorporated by Reference in Their Entirety), are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 6, shall comprise the Energy Code of the City of Gardena.

SECTION 8. HISTORICAL BUILDING CODE. Chapter 15.20 of Title 15 of the Gardena Municipal Code is hereby repealed and a new Chapter 15.20 is hereby added to read as follows:

**Chapter 15.20
HISTORICAL BUILDING CODE**

15.20.010 Adoption of Historical building code.

Except as may otherwise be provided in this Title, the California Historical Building Code,

2022 Edition (Part 8 of Title 24 of the California Code of Regulations), including Appendix A are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 8 shall comprise the Historical Building Code of the City of Gardena and shall apply to the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

SECTION 9. EXISTING BUILDING CODE. Chapter 15.22 of Title 15 of the Gardena Municipal Code is hereby added in its entirety to read as follows:

**Chapter 15.22
EXISTING BUILDINGS**

15.22.010 Adoption of existing building code.

Except as may otherwise be provided in this Title, the California Existing Building Code, 2022 Edition (Part 10 of Title 24 of the California Code of Regulations) and Appendix A (Guidelines for the Seismic Retrofit of Existing Buildings) are hereby adopted by reference and made a part of this chapter as though set forth in full herein and shall constitute the minimum standards to promote public safety and welfare, including those regulations adopted to reduce the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing walls. These provisions of Title 24, Part 10 shall comprise the Existing Buildings Code of the City of Gardena.

SECTION 10. GREEN BUILDING STANDARDS ADOPTION. Chapter 15.24 is hereby added to the Gardena Municipal Code to read as follows:

**Chapter 15.24
GREEN BUILDING STANDARDS**

15.24.010 Adoption of CALGreen code.

Except as may otherwise be provided in this Title, the California Green Building Standards Code (referred to herein as "CALGreen"), 2022 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Part 11 shall comprise the CalGreen Code of the City of Gardena.

SECTION 11. INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTION. Chapter 15.26 of Title 15 of the Gardena municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.26
PROPERTY MAINTENANCE CODE

15.26.010 Adoption of International Property Maintenance Code.

Except as may otherwise be provided in this Title, the International Property Maintenance Code, 2021 Edition, is hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions shall comprise the Property Maintenance Code of the City of Gardena.

Section 12. Chapter 15.08, Adoption of Housing Law Regulations, is hereby deleted.

Section 13. Filing. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission pursuant to section 17958.7 of the California Health and Safety Code.

Section 14. CEQA. The City Council finds that the adoption of the California Buildings Standards Code and local amendments thereof is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline section 15061(b)(3) (the commonsense exemption). The action is largely administrative in nature and designed to improve and not degrade environmental quality such that there is no possibility that adopting this Ordinance would adversely affect the environment in any manner that could be significant. Further, except for the amendments that have been adopted, these Codes apply by default.

Section 15. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Gardena hereby declares that it would have adopted this Ordinance despite any partial invalidity of its provisions.

Section 16. Effective Date. This Ordinance shall take effect on the 30th day after adoption.

Section 17. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

Passed, approved, and adopted this day of May, 2023.



TASHA CERDA, Mayor

Ordinance No. 1851

ATTEST:

Mina Semenza

MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez

CARMEN VASQUEZ, 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 Resolution, being **Resolution No. 6624** 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 regular meeting of said City Council held on the **23rd day of May 2023**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS LOVE AND HENDERSON, MAYOR PRO TEM FRANCIS,
 COUNCIL MEMBER TANAKA, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

Becky Romero
for City Clerk of the City of Gardena, California

(SEAL)